

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13389 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -BHARGAWAN District- ARRARIA

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Paramshila Kumari the then Incharge Headmistress, Primary School, West of Domuhan Ghat Nadi, Yadav Tola wife of Sri Ashok Kumar Yadav, resident of village Sheikhpura, Post Office Raghunathpur North, Police Station Bhargama, District Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 01-04-2016

Heard the parties.

The petitioner apprehends her arrest in a criminal prosecution registered under Sections 406, 409 and 420 of the Indian Penal Code.

Though, the petitioner is named in the first information report vide Annexure-1 as an accused and she along with co-accused is suspected to have committed criminal breach of trust and cheating on account of non-completion/construction of the school building in question, but taking into consideration the fact that the District Programme Officer, Sarb Shiksha Abhiyan, Araria as also the Assistant Engineer, and Junior Engineer of Bihar Education Project, Araria have issued a certificate date 11.02.2016 showing therein that the construction works of the building of the primary school in question have been completed by the petitioner and also taking into consideration the fact that the petitioner is a lady and is said to be the first offender, this Court is inclined to accede to the prayer made on her behalf for grant of anticipatory bail to her.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Araria in connection with Bhargama P.S.Case No. 211 of 2015, subject to conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

- (A) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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