

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47575 of 2016

Arising Out of PS.Case No. -394 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Rubi Devi, Wife of Sundar Sah, Resident of Village- Hardia, P.S.- Muffasil,
District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 10-11-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending her arrest in connection with Muffasil P.S. Case No.394 of 2015 for allegedly having committed the offence under Sections 409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was the Secretary of the Vidyalaya Shiksha Samiti of the concerned School and she along with the Headmaster had drawn some money for construction of the School building. It is submitted that though the School building was constructed and the Headmaster was issued 'No Dues Certificate', yet after his retirement and also after a lapse of

nine months, false and mischievous allegation has been made that the petitioner along with the Headmaster has defalcated the amount to the tune of Rs.25,34,160.00. As such, the petitioner is facing prosecution.

Learned counsel for the petitioner submits that the name of the present petitioner had been included into the account on 28.8.2014 as is evident from Annexure 2 and during her period, a total amount of Rs.12,61,130/- has been drawn. Since the construction of the School building having been made and 'No Dues Certificate' having been issued in favour of the Headmaster, there was no occasion to lodge the present prosecution, especially after the Headmaster has now retired. He further submits that the concerned Headmaster has been extended the privilege of anticipatory bail in Cr.Misc. No.8638 of 2016, vide order dated 16.5.2016.

Having heard learned counsel for the petitioner and the learned counsel appearing for the State and after perusal of the materials, which have been annexed to the present application, it appears that the petitioner's case is also similar to that of the Headmaster and perhaps even on better footing.

In view of such facts and circumstances, let the petitioner, above named, in the event of her arrest or surrender

before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Muffasil P.S. Case No.394 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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