

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.186 of 2016

Arising Out of PS.Case No. -57 Year- 2009 Thana -C.B.I CASE District- PATNA

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Bacchi Devi, W/o Baccha Singh, Residence of Village- Chhihatar, P.O.-
Chhihatar, P.S.- Maner, Distt.- Patna.

.... Petitioner

Versus

The State of Bihar through the Vigilance, Bihar, Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Md. Helal Ahmad, Advocate

For the Opposite Party : Mr.Santosh Kumar Pandey, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 24-02-2016 Heard parties.

The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 467, 468, 471, 477A, 420, 409, 120B of the Indian Penal Code and Section 13 (i) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988.

It is contended on behalf of the petitioner that only material against her, which has come up during the course of investigation, is that upon her recommendation, work of construction of *Chabutra* was taken up by the *Panchayat*, which was required to be constructed by the State authorities and in which certain irregularities have been found, however, there are no materials available on the records of the case at all indicating that

the petitioner is also a party to such misappropriation or some how at her instigation or conspiracy hatched up by her, the alleged misappropriation had taken place. It is further contended that one of the accused, namely, Mithilesh Kishore has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 21.12.2015 passed in Cr. Misc. No.36539/2015

Learned counsel appearing for the Vigilance Department has stated that the petitioner is also involved in the conspiracy inasmuch as upon her recommendation the work was taken out, however, it is contended on behalf of the petitioner that he has miserably failed to demonstrate before this Court that upon her recommendation, the authorities were bound to take up the work and there are some other materials also indicating her involvement in this case. In the present case, work order has been given by the B.D.O. and construction work has been conducted by the State authorities as no *Chabutra* has been found to have been constructed, however, only Rs.9600/- has been paid towards construction of the same.

Having regard to the facts and circumstances of the case and also the fact that the petitioner is a lady, let the petitioner, namely, Bachhi Devi be released on bail in the event of her arrest/surrender before the court below within a period of six

weeks from today in connection with Special Case No.45/2009 arising out of Vigilance P.S. Case No.57 of 2009, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance-1, Patna subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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