

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23458 of 2017

Arising Out of PS.Case No. -178 Year- 2015 Thana -NAUHATTA District- SAHARSA

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Kanchan Devi, W/o Sri Vidyanand Jha, resident of Village- Mahishi, P.S.- Mahishi,
District- Saharsa, working as Panchayat Sachiv under Block Nauhatta District-
Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Nauhatta P.S.
Case No. 178 of 2015 dated 08.08.2015 instituted under Section 409
of the Indian Penal Code.

3. The allegation against the petitioner is that at the
relevant time, when she was the Panchayat Sachiv of Kahara
Prakhand, she had taken huge amount for various works but the same
was neither completed nor money returned.

4. Learned counsel for the petitioner submitted that the
then BDO of the same Block had resigned from service for contesting
the election from that very area and only to gain popularity, he has



made complaint against the petitioner and others resulting in institution of cases. It was submitted that the petitioner is ready to deposit the amount shown against her i.e., 14,80,000/-.

4. Learned A.P.P. submitted that the petitioner has two more cases of similar nature pending against her and thus, at least in the present case, she does not deserve the privilege of anticipatory bail. Learned counsel submitted that the fact that the petitioner has offered to deposit Rs. 14,80,000/- is indicative of the fact that the money is still with the petitioner unused and it was incumbent upon her that on the day of transfer, she should have handed over the money to her successor and she retaining the money and only upon cases being instituted, being ready to deposit the same shows that if the cases had not been filed, she would probably not have deposited the money and would have defalcated the amount.

5. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

6. Accordingly, the application stands dismissed

7. However, in view of the fact that the petitioner being a lady, if she surrenders before the Court below within three weeks from today and deposits the amount due against her, with a prayer for regular bail, the Court below shall consider the same on its own



merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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