

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6057 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -AANTI District- GAYA

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1. Baby Kumari @ Baby Devi, wife of Sunil Kumar, Resident of Village-
Anderkila, P.S.-Tekari, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-03-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends her arrest in Aanti P.S.
Case No.40 of 2016 instituted for the offence under Section(s)
406, 420, 409 Indian Penal Code.

There is allegation in the written report that this
petitioner along with other accused misappropriated amount of
MANREGA scheme and defalcated a sum of ₹10,55,323/-. First
Information Report was lodged on the direction of the Deputy
Development Commissioner, Gaya. Notice was issued to the
petitioner and other accused and they filed their show cause,
which was rejected by the Lokpal, MANREGA, and this
petitioner and others were directed to pay ₹10,55,323/- till
22.12.2016 in five equal share by all the five accused, but the



petitioner did not make payment of her share.

It has been submitted on behalf of the petitioner that enquiry was not done properly and the petitioner was, in fact, not posted at the time of alleged occurrence. It has further been submitted that the petitioner is ready to make payment of her share as directed by the Lokpal, MANREGA, in installments.

In view of such, petitioner is directed to deposit the amount of her share in five equal installments.

In the event of surrender of the petitioner, named above, within four weeks from today in connection with Aanti P.S. Case No.40 of 2016 along with receipt of payment of first installment, she shall be released on provisional anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438(2) Cr. P. C.

The petitioner will continue to make payment of remaining installment by 15th of every month and will produce the receipt before the court below. After making payment of entire installments and on production of 'No Dues' with respect to the petitioner, provisional bail of the petitioner will be confirmed by the Court below.



In the event the petitioner does not surrender with the receipt, as ordered above, or the petitioner makes default in payment of single installment, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner.

It is made clear that payments made by the petitioner will be subject to final decision of the case.

(Sanjay Priya, J)

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