

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36343 of 2016

Arising Out of PS.Case No. -83 Year- 2016 Thana -NAWINAGAR District- AURANGABAD

=====

Radha Singh wife of Sri Tripurari Singh Resident of Village - Nabinagar,
P.S. - Nabinagar, District - Aurangabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Jitendra Singh, Sr. Advocate.
Mr. Samir Kumar, Advocate.
Mr. Nilmani Guha, Advocate.
For the Corporation : Mr. Ashutosh Ranjan Padey, Advocate.
For the State : Mr. J.K. Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 07-02-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 406, 409 and 420/34 of the Indian Penal Code registered in connection with Nabinagar P.S. Case No. 83 of 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event the thrust of the accusations are against co-accused Manjeet Kumar, Assistant Engineer, Sri Vikash Kumar, the then In-charge, Executive Engineer and Sri Prabhat Ranjan, who were alleged to have misused/diverted the Government funds, etc. Sri Prabhat Ranjan and Sri Manjeet Kumar



have been granted anticipatory bail by this Court in Criminal Miscellaneous No. 48948 of 2016 and Criminal Miscellaneous No. 39966 of 2016 respectively. It is further pointed out that the accusation against the petitioner, who is a lady and was elected as Chairman on 28.08.2014 was in no way concerned with the approval of the schemes which was approved prior to her election, as evident from the minutes of the meeting dated 09.03.2011 (Annexure-12). The petitioner claims clean antecedents and has not misused the privilege of provisional anticipatory bail granted to her by this Court. The accusations are politically motivated at the instance of persons desirous of her removal as Chairman. It is further submitted that C.W.J.C. No. 18352 of 2016 has been filed by the petitioner, *inter alia*, challenging the enquiry report of the Joint Committee which formed the basis of the present F.I.R. as well as her subsequent removal as Chairman, Nagar Panchayat, Nabinagar, District Aurangabad. By order dated 01.12.2016 of this Court in the said writ petition, the order of her removal dated 28.11.2016 has been directed to be kept in abeyance.

4. Learned APP assisted by learned counsel for the informant appearing *suo motu* have opposed the prayer for anticipatory bail submitting that there are serious accusations in the F.I.R. against the petitioner as found in the enquiry report.

5. Having regard to the entirety of the facts and



circumstances of the case as well as the fact that the enquiry report itself being subject matter of challenge before the writ Court pursuant to which the removal of the petitioner as Chief Councillor has been kept in abeyance, the provisional anticipatory bail granted to the petitioner by order dated 05.10.2016 by this Court in connection with Nabinagar P.S. Case No. 83 of 2016 pending in the Court of learned Additional Chief Judicial Magistrate, Aurangabad is hereby confirmed subject to the conditions as laid down in the aforesaid order dated 05.10.2016.

(Vikash Jain, J)

Md. Ibrarul/Chandra

U		T	
---	--	---	--

