

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61172 of 2017

Arising Out of PS.Case No. -134 Year- 2017 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Smt. Subhawati Devi @ Subhawati Devi, W/o Ravindra Pathak, R/o
Village- Bibi Bankatwa, P.S.- Bathwaria (Chautarwa), Distt.- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2/ 19-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends her arrest in **Chautarwa (Bathwariya) P.S. Case No.134 of 2017** instituted for the offence under Section(s) 409, 420/34 Indian Penal Code.

In the written report, it is alleged that the petitioner being Chairman of Bibi Bankatwa PACS, has not deposited CMR of 695.56 quintal rice and has misappropriated the amount.

Counsel for the petitioner has pointed out Annexure-2 and 3 and has argued that this petitioner has already deposited the amount i.e. Rs.9,52,243.77 along with interest to the bank and the bank has issued certificate that there is no dues with Chairman of Bibi Bankatwa PACS (Annexure-3). Counsel for the petitioner has further submitted that the informant has also filed compromise petition in the Court below about depositing of the



amount by the petitioner and for not further proceeding in the case.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Chautarwa (Bathwariya) P.S. Case No.134 of 2017**, she shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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