

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.321 of 2018

Arising Out of PS. Case No.-153 Year-2017 Thana- BARAHIYA District- Lakhisarai

Chanda Devi Wife of Sri Balmiki Singh Resident of village- Jaitpur, Police
Station- Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushant Kumar

For the Opposite Party/s : Mr. SRI SANJAY KUMAR TIWARY 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-02-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Barahiya P.S. Case No. 153 of 2017
registered for the offence punishable under Sections 419, 420,
467, 468, 171 and 120(B) of the Indian Penal Code.

The case of the prosecution is that the petitioner
being the Mukhiya and the head of the committee formed for
the purposes of distribution of the flood relief money had
misappropriated the said money by sanctioning the same in the
name of his family members.

The learned counsel for the petitioner submits that
the list of the persons, who are said to be the beneficiaries and
belonging to the family of the petitioner herein, is not correct



inasmuch as the said persons are not the relatives of the petitioner herein, however, the fact is that even before filing of the present F.I.R., the petitioner herein, after coming to know about the fact that the flood relief amount has been wrongly paid to some persons, had persuaded the said illegal beneficiaries to refund the money and thereafter, the said amount was deposited back in the Government treasury. The petitioner is said to have a clean antecedent and lastly, it is submitted that the petitioner is ready to join the investigation.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has requested that the investigation should be conducted by an independent investigating agency.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner above named, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 153 of 2017, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure.

It is directed that the petitioner shall join investigation and he should be present at the place where he is directed to appear by the investigating agency and in case, he does not cooperate with the investigation, the prosecution would be free to approach this Court for cancellation of bail.

(Mohit Kumar Shah, J)

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