

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58785 of 2018

Arising Out of PS.Case No. -199 Year- 2017 Thana -NAUHATTA District- SAHARSA

- =====
1. Geeta Devi Wife of Shashikant Mahto @ Kailash Mahto Resident of Village - Kherka Telpa, Brahaman Tola, Police Station - Nauhatta, District-Saharsa.
 2. Smt. Abha Singh Wife of Late Anil Kumar Singh Resident of Village- Nauhatta, Police Station- Nauhatta, District- Saharsa.
 3. Manoj Yadav @ Manoj Kumar Son of Ram Tahal Yadav Resident of Village - Kasimpur, Police Station - Nauhatta, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 31-10-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420 and 384/34 of the Indian Penal Code.

The informant of this case is Panchayat Secretary. The local Block Development Officer had lodged Nauhatta P.S. Case No. 178 of 2015, a case under Section 409 of the Indian Penal Code against the informant alleging therein that the informant of this case misappropriated huge amount of different



referred schemes of the government. Thereafter, the informant approached this Court for anticipatory bail in Cr. Misc. No. 23458 of 2017 wherein the informant clearly stated about the incomplete work of different schemes and reason for non-completion of the work. The description does not show any act or omission of the petitioners for non-completion of the work.

This Court by order dated 11.07.2017 refused to grant anticipatory bail to the informant in spite of submission of the informant that she was ready to deposit Rs.14,80,000/- which has been claimed to be due against the informant. The bail was refused considering the fact that the aforesaid admission was indicative of the fact that the money is still with the petitioners unused.

In the aforesaid background, the present FIR has been lodged alleging therein that the petitioners had also important role in misapplication of the money as money was paid through cheque to the petitioners for the work and due to their laches work could not be completed.

After hearing the parties and considering the entire facts and circumstances of the case as well as background of allegation, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on



furnishing bail bonds of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nauhatta Police Station Case No. 199 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

Kundan/Rajan

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