

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58951 of 2017

Arising Out of PS. Case No.-46 Year-2017 Thana- KOCHAS District- Rohtas

Smt. Maya Devi @ Maya Devi, Wife of Sanjay Kumar, Resident of Village-Gaura, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. SRI RAJESH KUMAR

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-02-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with Kochas P.S. Case No. 46 of 2017 for the offence under section 406 of the Indian Penal Code.

Learned counsel for the petitioner has drawn the attention of the court the order passed by the court below dated 11.10.2017 which reads as follows:-

“From perusal of the record and the case diary it shows that there is allegation of payment twice for the one work to the same labourers first by cheque and another by F.T.O. after opening the account and made excess payment of Rs. 95.256/- regarding MANREGA scheme No.17/2013-14 and as per para 12 of the case diary the DDC has ordered to realize the financial



fine and on that order by the junior engineer and Programme Officer and in compliance of the order fine has been realized by Junior Engineer and Programme Officer through cheque and from the Panchayat Rozgar Sewak and accountant already realized by their remuneration. Notice under section 41 Cr.P.C. sent to the petitioners and in show cause the petitioner has shows her ignorance about the double payment, which was not accepted and the letter no.571 dated 18.03.2017 of the DDC shows that 50% from the programme officer, 30% from the Junior Engineer, 10% from the accountant and 10% from Panchayat Rozgar Sewak was ordered to be realized with interest, which as per para 12 of the case diary has already been realized and there is specific allegation that first payment was made in proceeding to that scheme was closed, thereafter wages list was created which was verified by Shrikant Singh, Panchayat Rozgar Sewak and the petitioner and get the amount transferred. The investigation is still going on.”

He submits with reference to the aforesaid finding recorded by the learned Sessions Judge after going through the records of the case indicate that the petitioner is not at all accountable and moreover, the alleged excess amount paid was realized with interest.



In view of the above, the court is inclined to grant anticipatory bail to the petitioner, named above, in the event of arrest/surrender before the court below within a period of one month from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sasaram, Rohtas, in connection with Kochas P.S. Case No. 46 of 2017 subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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