

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40825 of 2018

Arising Out of PS.Case No. -350 Year- 2015 Thana -BRAHMPUR District- BUXAR

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Shiv Kumari, Daughter of Sri Sarju Ram, Resident of Village- Jawahi
Diyar, P.O.- Balua, P.S.- Brhampur, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate.

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 14-08-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Brhampur**
P.S. Case No. 350 of 2015 instituted for the offence under Section
409 of the Indian Penal Code.

In the written report it is alleged that total
Rs.5,54,424/- was allotted for construction of school building, but
the same was not constructed. The petitioner was In-charge
Headmistress of the school.

Case diary has been received.

The informant in his further statement made in
paragraph-3 of the case diary has stated that petitioner has
withdrawn Rs.2,00,000/- from the allotted amount and as per
measurement Book, she has performed work of only Rs.75,468/-.



Thereafter, the construction work was stopped by the petitioner. She has misappropriated the amount of Rs.1,24,532/-.

Counsel for the petitioner has submitted that she is ready to deposit aforesaid amount subject to final decision of the case.

In such circumstances, the application is disposed off with a direction to the petitioner to deposit the amount of Rs.1,24,532/- in the concerned account of the school and surrender in the court of **Chief Judicial Magistrate, Buxar**, along with receipt showing deposit of the aforesaid amount, within a period of six weeks from the date of receipt of this order in connection with **Brhampur P.S. Case No. 350 of 2015**, the court below will release the petitioner on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each 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 her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond 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.

The amount deposited by the petitioner in the concerned account of the school will be subject to the final decision of the case.

(Sanjay Priya, J)

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