

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9270 of 2019

Arising Out of PS. Case No.-886 Year-2018 Thana- KHAGARIA District- Khagaria

Manjo Devi, aged about 50 years (Female), Wife of Prithvi Raj Yadav,
Resident of Village - Mathar, PS- Muffasil At present Mukhiya of Gram
Panchayat Raj Rahimpur Suth, PS- Muffasil, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the Panchayat Mukhiya of Rahimpur
South Panchayat is apprehending arrest in a case registered for
the offences punishable under Sections 409 and 420/34 of the
IPC.

The prosecution case, as per the written report of Block
Development Officer, Khagaria, dated 15.12.2018, submitted to
the Station House Officer, Khagaria Police Station, is to the
effect that the petitioner has committed illegality in the
construction of Chief Minister's Drainage Schemes. It is alleged
that the petitioner withdrew Rs. 4,33,400/-, but as per the
scheme the amount was to be transferred to the Ward
Implementation and Management Committee's account,



though, after one year, said money was deposited back in the concerned account, hence it has been treated as temporary embezzlement.

It is submitted by learned counsel for the petitioner that the money was withdrawn for implementation of the said scheme, but as soon as he received instruction from the B.D.O., she deposited the money back in the concerned account. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that it is a case of temporary embezzlement.

Considering the fact that the FIR suggests that withdrawn money has already been deposited back, and the petitioner being a lady, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria (Mufasil) P.S. Case No. 886 of 2018, subject to the



condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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