

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28184 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- JHAJHA District- Jamui

1. RUKSANA KHATOON @ RUKHSANA KHATOON W/O Md. Khurshid
Resident of Village - Ward no.3, Teteriya, Panchayat Kanan, P.S.- Jhajha,
Distt.- Jamui.
2. Md. Minhaj Son of Naimuddin Ward Secretary, resident of Village - Ward
no.3, Teteriya, Panchayat Kanan, P.S.- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 15-07-2019 This application, for grant of anticipatory bail,

arises out of Jhajha P.S. Case No. 05 of 2019, disclosing

offences under Sections 409 and 420 of the Indian Penal Code.

Petitioners happen to be ward member and ward
secretary respectively and allegation against them is that under
Nal Jal scheme Rs. 46,75,000/- was allotted to the petitioners
for execution of the aforesaid scheme but they have not
completed the work, though, they have refunded the amount of
Rs. 22,22,500/- and misappropriated the remaining amount.

Submission of learned counsel for the petitioners is
that the F.I.R. itself shows that Rs. 22,22,500/- has been
returned by the petitioners and so far remaining amount is



concerned, they have completed the work in excess of Rs. 18,157/- but in spite of that they have been made accused in this case.

Learned counsel for the State opposed the prayer for bail on the ground that nothing has come during investigation that the work has been completed.

Having heard both sides, considering the facts and circumstances of the case, let the petitioners surrender before the court below on 23.07.2019 and on their surrender, the court below shall release them on provisional bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Jamui, in connection with Jhajha P.S. Case No. 05 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure, till submission of charge – sheet and in the meantime, the petitioners shall cooperate in the investigation and produce all the relevant papers in support of their case before the Investigating Officer and the authorities concerned, who will examine the same, however, in spite of that if charge-sheet is submitted against the petitioners, they will have to surrender and pray for regular bail before the court below, which



will be considered by the court below on the basis of materials
available on record at that time.

(Vinod Kumar Sinha, J)

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