

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36057 of 2019

Arising Out of PS. Case No.-539 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sumitra Devi (Female), W/o Subhash Singh, aged about 50 years, Resident of
Village - Sukulwa Khurd, P.S.- and Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-06-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Gopalganj (Town) P.S. Case No. 539 of 2018 registered
under Sections 420, 409, 423, 424, 120(B) of the Indian Penal
Code.

The petitioner has filed a supplementary affidavit, it
may be kept on record.

The allegation against the petitioner is that the
petitioner has drawn Government money of Rs. 22,62,215 for
the Panchayat Scheme without approval of the Committee
(BPMU). As a matter of fact, the work of the Scheme in
question has already been completed, this fact also found



supported from measurement book of J.E. which has been approved by Assistant Engineer and there is no any inconsistency between the work done and measurement book.

Petitioner has further submitted that the Hon'ble High Court in C.W.J.C. No. 19591 of 2016 along with analogous cases has quashed the notification dated 23.09.2016 and 25.10.2016. So far they direct for creation of Ward Vikas Samiti and entrusts the work to the Ward Vikas Samiti for carrying out the purpose of the Scheme are quashed. Therefore, on the basis of order of Hon'ble Court, the Government has issued a fresh notification dated 22.05.2017.

All the payments have been withdrawn by the petitioner and other co-accused on 22.05.2017 after order passed in C.W.J.C. No. 19591 of 2016. There is no allegation that petitioner has withdrawn the government exchequer fraudulently and dishonestly to the tune of Rs. 22,62,215. The only allegation is that he has not taken approval of the said Committee.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Goplaganj (Town) P.S. Case No. 539 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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