

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40616 of 2019

Arising Out of PS. Case No.-92 Year-2018 Thana- GWALPARA District- Madhepura

1. SAPNA MAZUMDAR W/o Ashok Mazumdar Resident of Village-Gwalpara, P.S.-Gwalpara, District-Madhepura.
2. Arpana Mazumdar @ Aarpita Mazumdar D/o Ashok Mazumdar Resident of Village-Gwalpara, P.S.-Gwalpara, District-Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 04-09-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406,409,420,120(B) of the Indian Penal Code registered in connection with Gwalpara P.S. Case No. 92 of 2018.

3. It is submitted that the petitioners has been falsely implicated and the petitioners are not named in the FIR. The FIR has been instituted against two accused persons who are Sub Postmaster and Postman on the accusation that they have misappropriated the amounts of the depositors by depositing into different accounts and withdrawing the same by ATM Card. It is submitted that in course of investigation it has come to light that some amount has also been deposited into the accounts of the petitioners, respectively. However, a specific stand has been taken in the petition that the petitioners have no concern with such accounts into which part of the defalcated amount is said to have been transferred and nothing has been withdrawn by the petitioners from such account. It is further stated that from the FIR itself it is evident that named accused Sanjiv Kumar and Shambhu Kumar Rajak has since returned an amount of Rs.



30,76,000/- in the Government Account out of the total misappropriation of Rs. 2,16,76,900/-. Similarly situated co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. Nos. 30117/2019, 32673/2019, 31972/2019 and 32867/2019 respectively. The petitioners are ladies claiming clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Uda-Kishunganj, District Madhepura, in connection with Gwalpara P.S. Case No. 92 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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