

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43948 of 2019

Arising Out of PS. Case No.-64 Year-2012 Thana- SIMRI District- Buxar

Abha Devi, Wife of Awadhesh Kumar @ Awadhesh Kunwar, Resident of
Village-Dumri, P.O-Simri, P.S-Simri, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma, Advocate.

For the Opposite Party/s : Mr.Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Simri P.S. Case No. 64 of 2012 registered under Sections 406, 409,
420 and 120(B) of the Indian Penal Code.

The accusation is that petitioner being the Mukhiya and
Rajendra Prasad Singh, Revenue Karamchari of Dumri Panchayat
distributed the benefit of Drought Scheme to fake persons and
committed loss of exchequer.

Learned counsel for the petitioner submits that
petitioner, who is lady, was Mukhiya at the relevant time and in spite
of lodging the present case, recovery certificate proceeding under
PDR Act was also initiated against the petitioner and Rajendra Prasad
Singh, in which, recoverable amount was fixed Rs.8,98,050/- upon



both petitioner and Rajendra Prasad Singh. Further submissions is that while petitioner had approached before this court under Section 438 of the Cr.P.C. through Criminal Misc. No. 50359 of 2013 but the prayer for pre-arrest bail of the petitioner was rejected on 21.03.2014 and now petitioner deposited Rs.4,49,025/- on 07.01.2019, which is 50% of total recovery amount Rs.8,98,050/-, under recovery certificate, which would appear from the receipt issued by Surendra Kuamr, Nazir, Buxar. It is further submitted that co-accused, Rajendra Prasad Singh, has already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 11.03.2014 passed in Criminal Misc. No. 42247 of 2013.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his 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 the learned Chief Judicial Magistrate, Buxar, in connection with Simri P.S. Case No. 64 of 2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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