

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43310 of 2019

Arising Out of PS. Case No.-445 Year-2018 Thana- LAKHISARAI District- Lakhisarai

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Bimla Kumari @ Sushma Kumari Daughter of Ram Kripal Vishwakarma
Resident of Chaudhary Tola, Azad Lane, near to Vijay Kumar Singh, Petrol
Pump, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-10-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Lakhisarai (Kabaiya) P.S.

Case No. 445 of 2018, registered for the offence punishable under Sections 419, 420, 467, 468, 409 and 471 of the Indian Penal Code, on the allegation that she, in connivance of other accused persons, fraudulently withdrew scheme amount of Rs. 1,98,488/- from the bank account of the District Programme Officer, Lakhisarai using Cheque No. 275706.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is a poor lady and sole earning member of her family. Petitioner is in custody since 11.12.2018. Vide paragraph 5 of supplementary affidavit filed on behalf of petitioner, the petitioner is ready to



deposit the aforesaid amount before the court below in fifteen installments.

In view of the undertaking given by the petitioner in her supplementary affidavit, let the petitioner abovenamed be released on **provisional bail** 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, Lakhisarai** in connection with **Lakhisarai (Kabaiya) P.S. Case No. 445 of 2018 (G.R. No. 1056 of 2018)**, subject to the following conditions:-

(i) **The petitioner shall deposit 1/4th of the defalcated amount in the court below within one month of her release on provisional bail and rest of the amount shall be deposited by the petitioner in three installments within a further period of three months thereafter.**

(ii) **If the petitioner deposits the aforesaid amount in full, her provisional bail would be confirmed by the court below. If the petitioner fails to comply with this direction, the provisional bail would be treated to be cancelled and the petitioner would be taken into custody forthwith.**

(iii) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, her bail bond shall be liable to be cancelled by the court below.

(iv) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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