

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53907 of 2019

Arising Out of PS. Case No.-347 Year-2017 Thana- MAJHAULIA District- West Champaran

MADHU RANI W/o Sanjay Kumar @ Sanjay Kushwaha Resident of Village-
Partapur, P.S.-Mehsi, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Majhulia Police Station Case No. 347 of 2017, disclosing offences under Sections 409/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that she, being the Headmistress of Primary School, Naya Bhangaha, had withdrawn excess amount to the tune of Rs. 1,23,551/- in connection with civil construction and has not completed the work in respect thereof.

Learned Counsel for the petitioner submits that the First Information Report has been lodged on the basis of letter, dated 20.08.2017, written by the District Programme Officer,



West Champaran, at Bettiah and subsequently thereafter the District Programme Officer, through his letter, dated 16.09.2017, informed the Block Development Officer, Majhauria, that the petitioner has completed the work equivalent to the excess amount withdrawn by her to the tune of Rs. 1,23,551/- and in pursuance thereof, the Block Development Officer, Majhauria, wrote the Station House Officer, Majhauria Police Station, on 01.12.2017, stating therein that the petitioner has already discharged her obligation and she should be exonerated from the charges.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has already completed the construction work equivalent to the alleged excess amount withdrawn by her, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Madhu Rani, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Majhauria Police



Station Case No. 347 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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