

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47118 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA PS District- Gopalganj

Shobha Rani D/o- Siya Sharan Sharma, Resident of Mohalla- Mahesh Nagar,
P.S.- Patliputra, District- Patna, at present Child Development Project Officer,
Kuchaikot, Gopalganj.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-10-2019 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

Petitioner in the present case is the Child Development Project Officer posted at Kuchaikot in the District of Gopalganj who is seeking anticipatory bail in connection with Mahila P.S. Case No. 05 of 2019 registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that it is a case of malafide and false implication of the petitioner as it would be evident from a bare reading of the written complaint filed by the In-charge, District Programme Officer with the Officer In-charge, Mahila Police Station, Gopalganj that the allegation is that of non-distribution of Take Home Ration in proper manner and in terms of the departmental parameters. It is submitted that so



far as this petitioner is concerned, she is not involved in the physical distribution of the Take Home Ration and there is no allegation that she had distributed the money in the Account of the different Aganwari Centres irregularly or by committing any illegality. Referring to Annexure '2' to the present application learned Senior Counsel submits that as per the list of the centres the amount of Rs. 20,160/- was to be transferred to the different centres by the Central Co-operative Bank. This petitioner had sent a cheque of the consolidated amount to the Central Co-operative Bank, Kuchaikot and bank has transferred the amount to the different centres, so far as the distribution of the money is concerned there is no allegation that there had been any illegality in distribution of money. The allegation is only by saying that there had been irregularity in physical distribution of the Take Home Ration which was in fact job of the Aganwari Centres.

Learned A.P.P. for the State has in fact submitted that so far as the inquiry at the district level is concerned, it is true that the said inquiry is not showing any defalcation of money by this petitioner. The allegation is that of improper distribution of the Take Home Ration and no more.

In the given facts and circumstances of this case, wherein it appears that there is no allegation of defalcation of money against the petitioner and the allegation at best is that she



had been negligent in doing her duty and that there had been no proper physical distribution of the Take Home Ration by the centres and based on that an inference has been sought to be drawn that financial irregularities have been committed and further that the petitioner has already been granted privilege of provisional anticipatory bail by a learned Co-ordinate Bench of this Court vide order dated 30.07.2019, let the said provisional bail be confirmed and the petitioner be allowed to remain on previous bail bonds.

(Rajeev Ranjan Prasad, J)

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