

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48498 of 2019

Arising Out of PS. Case No.-216 Year-2017 Thana- NARHATT District- Nawada

=====

URMILA DEVI Wife of Late Aditya Singh Resident of Village - Narhat, P.S.-
Narhat, District- Nawada, at present Mukhiya of Narhat Gram Panchayat,
Block- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends her arrest for the offences alleged
under Sections 467, 468, 471, 406, 409, 420, 353, 120(B)/34 IPC
registered in connection with Narhat P.S. Case No. 216 of 2017.

3. It is submitted that the petitioner has been falsely implicated
and the FIR has been lodged on the basis of letter dated 28.11.2017 of
the Block Development Officer, Narhat which itself is cryptic in nature
as it does not state the specific nature of misuse of Government fund.
It is alleged that the amount of Rs. 61,61,000/- spent for the purpose of
Mukhiamantri Sat Nischay Yojna was in violation of the Government
direction that the expenditure was required to be routed through the
Ward Vikas Samiti for implementing the scheme in question. It is
further submitted that there has been no violation in the expenditure
in view of the judgment of a Division Bench of this Court in CWJC No.



19591 of 2016 (Siwan Zila Mukhiya Sangh through the Chairman, Sri Ashok Kumar Singh vs. The State of Bihar through the Chief Secretary , Government of Bihar, Patna and others) and analogous cases, in which it has been held as follows --

“24. Accordingly we allow these petitions in part. The Schemes in question as contained in Annexure-P/2 dated 23.09.2016 and P/3 dated 25.10.2016, so far they direct for creation of “Ward Vikas Samiti” and entrusts the work to the “Ward Vikas Samiti” for carrying out the purpose of the Scheme are quashed. The State Government is granted liberty to either get the Schemes implemented through the Committees already functioning under the Act of 2006 or to take such steps as are permissible in law for implementing the Scheme.”

It is therefore submitted that the offence as alleged are not made out against the petitioner, who claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-VI, Nawada in connection with Narhat P.S. Case No. 216 of 2017, 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 petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.



iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. That the petitioner 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, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

U		T	
---	--	---	--

