

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63891 of 2018

Arising Out of PS. Case No.-234 Year-2018 Thana- RAJNAGAR District- Madhubani

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Suman Sharma @ Smt. Suman Sharma Wife of Jagdish Sharma, Resident of
Village- Jankinagar, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-04-2019 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences under Sections 420, 467, 468 and 471punishable under Sections of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of I/C Medical Officer, Rajnagar submitted before the Station House Officer, Rajnagar Police Station is to the effect that on the order of the District Magistrate, Madhubani, an enquiry was being conducted by Dr. Ramadhar Chaudhary, ACMO, Madhubani and Dr. Sambhu Prasad Singh, I/C District Immunization Officer, Madhubani with regard to two Bolero vehicles having registration Nos. BR 10B 7361 and DC 9CG 5577 used under RBSK (Rastriya Bal Swasthya Karyakarm) Cell (hereinafter referred to as ‘the



Cell'). On conclusion of enquiry, it was found that an agreement was entered into between the petitioner Suman Sharma and Dr. Sheo Shankar Mehta, the then I/C Medical Officer, Primary Health Centre, Rajnagar whereby two Bolero vehicles were given for execution of works under the Cell. But during enquiry from the District Transport Officer, Bhagalpur, it was also found that one Bolero vehicle having registration no. BR 10B 7361 is registered in the name of one Sanjeev Kumar, but it is a vehicle number of a motorcycle, whereas the petitioner produced the document suggesting that the aforesaid registration number is of a Bolero vehicle which was initially registered in the name of one Satish Kumar Dubey, who sold it to Md. Nesar Ahmad in the year 2010 and the aforesaid transfer of the vehicle was made by the District Transport Officer, Bhagalpur. At the time of giving vehicles, the another agreement was executed between Shambhu Kumar Singh and the then I/c Medical Officer, Primary Health Centre, Rajnagar suggesting that Shambhu Kumar Singh is the owner of one of the vehicle. During enquiry, Shambhu Kumar Singh submitted in writing on a plain paper that he purchased the said vehicle from one Dinesh Kumar Bhagat. Since, the other Bolero vehicle having registration



no. DC 9CG 5577 was registered in Delhi and report has given from South West Zone, Palam Delhi. Hence, the enquiry report is inconclusive with regard to other vehicle.

It is submitted by learned counsel for the petitioner that the petitioner is a lady and has falsely been implicated in the present case. In fact, it is Sambhu Kumar Singh, who is the owner of one of the vehicle has entered into an agreement with the then I/c Medical Officer, Primary Health Centre, Rajnagar and Sambhu Kumar Singh has let out the vehicle to the petitioner for running under the Cell of Primary Health Centre, Rajnagar on monthly rent of Rs.30,000/-. In support of the said contention, Annexure-3 has been brought on record, which is an agreement executed between the I/c Medical Officer, Primary Health Centre, Rajnagar and the owner of one of the vehicles Sambhu Kumar Singh. But surprisingly, the then I/c Medical Officer, Primary Health Centre, Rajnagar and said Sambhu Kumar Singh have not been made an accused in the present case. Though the thrust of accusation is against the aforesaid persons. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the



case diary submits that on conclusion of enquiry it was found that the agreement was initially executed between the petitioner and the then I/c Medical Officer, Primary Health Centre, Rajnagar.

Considering the nature of accusation and the fact that *prima facie* it appears that stolen vehicles have been supplied to the government hospital for the official use and admittedly the petitioner was receiving payment of monthly rent amount against the vehicle, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. But keeping in view of the fact that the petitioner has never claimed the ownership of the vehicles in question and neither the actual owners of the vehicles in question nor the then I/c Medical Officer, Primary Health Centre, Rajnagar who entered into an agreement have been made accused in the present proceeding coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and she is a lady, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks in Rajnagar P.S. Case No. 234 of 2018, pending before the learned ACJM-I, Madhubani.



It is expected from the learned Court below to consider the prayer for regular bail of the petitioner preferably on the same day, if preferred within the stipulated period.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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