

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66212 of 2018

Arising Out of PS. Case No.-58 Year-2018 Thana- CHAKAI District- Jamui

Kiran Devi, Wife of Chanchal Mishra, Resident of Village-Saraswati Batpar,
Police Station Chakai, Distt.-Jamui

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyavarat Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 29-01-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Chakai P.S. Case no. 58 of 2018, registered under Sections
406, 409 and 420/34 of the Indian Penal Code.

The accusation is that Shiv Shankar Singh, the
then Panchayat Secretary and the petitioner being the then
Mukhiya of Gram Panchayat Paranchi illegally withdrew
Rs. 387500/- for construction of Anganbari Bhawan under the
13th finance scheme. Thereafter, through letters No. 1006 and
1007, dated 16.09.2017, Show Cause Notices were issued to
petitioner and Shiv Shankar Singh, but no explanation was
submitted by them. Thereafter, for recovery of the said amount,
Certificate Case No. 01 of 2017-18 was initiated against Shiv



Shankar Singh and a letter was issued to Certificate Officer, Jamui through letter No. 1485, dated 29.12.2017.

Learned counsel for the petitioner submits that, in fact, the aforesaid amount was taken in the joint account of petitioner and the then Panchayat Secretary, namely, Shiv Shankar Singh and the work was being done by Shiv Shankar Singh, but due to illness, petitioner could not get any information regarding the progress of the work. Further submission is that, in fact, petitioner has only issued cheque of the said amount and handed over to Shiv Shankar Singh, the then Panchayat Secretary as such petitioner had not misappropriated any amount. Further submission is that after receiving the Show Cause Notice through letter No. 1006, dated 16.09.2017 from the office of Block Development Officer, Chakai, the petitioner submitted her Show Cause on 28.09.2017, which would appear from Annexure-2. Thereafter, certificate proceeding was initiated against Shiv Shankar Singh, but with ulterior motive, the petitioner has been made accused in the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-III, Jamui in connection with Chakai P.S. Case No. 58 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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