

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26854 of 2020**

Arising Out of PS. Case No.-206 Year-2020 Thana- HAJIPUR District- Vaishali

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MALA DEVI Wife of Dayashankar Prasad Resident of Village-Gandhi
Ashram, P.S.-Town Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 06-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Umeshanand Pandit, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Hajipur Town P.S. Case No. 206/2020 registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegation this petitioner has received Rs. 7500/- for construction of Toilet under the government scheme but she constructed the Toilet on a land which does not belong to her.

Learned counsel has taken this court through Annexure '2' which is a report of the Executive Officer, Nagar Parishad, Hajipur in



which it is mentioned that the land of the given description has not been purchased by Sri Vishundeo Rai who had made complaint in this respect. Learned counsel has shown from paragraph '2' of the written complaint which is the basis of the present F.I.R. that this case has been lodged in view of the said complaint made by Sri Vishundeo Rai.

Learned counsel submits that the dispute between the Vishundeo Rai and the petitioner has given rise to the two other cases mentioned in paragraph '3' of the application. It is his submission that it is not one of the those cases in which the money received from the government has not been utilized for the given purpose, the dispute is between the two private parties over a piece of land.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein the dispute seems to be between the petitioner and the Vishundeo Rai in respect of the land on which the Latrine has been constructed, let the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Hajipur Town P.S. Case No. 206/2020, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

