

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51079 of 2019

Arising Out of PS. Case No.-515 Year-2017 Thana- GANDHIMAIDAN District- Patna

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Boby Kumari Wife of Praveen Kumar Sharma Resident of Village- Lakhipur,
P.S.- Salimpur, District- Patna, at present Road No.02, Indraprasth Colony,
Jora Talak, P.S.- Bariyatu, District- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

State of Bihar through the Superintendent of Police, Vigilance Investigation
Bureau, Bihar Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma
Mr.Lakshmi Kant Sharma
For the Opposite Party/s : Mr.Rana Vikram Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7. 08-07-2020 Heard learned senior counsel for the petitioner as
well as learned counsel for Vigilance Investigation Bureau
through video conferencing.

This relates to grant of bail in Special Case No. 349 of
2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017,
registered for the offence under Sections 467, 468, 471, 409,
420, 120B/34 of the Indian Penal Code and Section 13(I)(c)(d)
r/w Section 13(2) of Prevention of Corruption Act.

Earlier, a supplementary affidavit has been filed on
behalf of petitioner stating therein that due to mistake on the
part of petitioner that charge has not been framed as well as
relying on the report of learned trial court, this Court, vide order



dated 23-01-2020, has rejected the bail prayer of petitioner, but it has been stated that charge has already been framed on 03-12-2019 against petitioner and other co-accused persons. In this regard, order dated 03-12-2019 of the learned court below has been annexed, as Annexure – 4 to the supplementary affidavit.

It has further been stated in the supplementary affidavit that co-accused Shiv Kumar Jha has already been released on bail by this Court, vide order dated 22-01-2020 passed in Cr. Misc. No. 81837 of 2019 (arising out of Cr.Misc. No. 25922 of 2019) on condition of depositing Rupees twenty five lacs (Annexure - 5), whereas; petitioner has not withdrawn any money, but she has been made accused only due to the fact that she was chairman of the NGO.

It is submitted on behalf of petitioner that petitioner is a lady and in custody since 15-11-2017.

However, learned counsel for Vigilance has vehemently opposed the prayer for bail and submitted that this petitioner is president of the NGO, which exists only on paper and money to the tune of Rs. Two crores was given in lieu of construction of toilets for the beneficiaries, but same has been misappropriated by all the FIR named accused persons.



However, considering the aforesaid facts & circumstances as also the fact that petitioner is a lady and she is in custody since 15-11-2017, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance – I, Patna in connection with Special Case No. 349 of 2017, arising out of Gandhi Maidan P.S. Case No. 515 of 2017 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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