

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63091 of 2019

Arising Out of PS. Case No.-105 Year-2017 Thana- CHAUTHAM District- Khagaria

REENA DEVI Wife of Umesh Choudhary Resident of Village - Medni Nagar,
P.O.- Kaithi, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar, Advocate Mr. Ram Nibash Prasad, Advocate
For the State	:	Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Chautham P.S. Case No. 105 of 2017, disclosing the offence
under Sections 420 and 406 of the Indian Penal Code.

The First Information Report has been registered at
the instance of the Circle Officer, Chautham. The matter relates
to settlement of a Boat Bridge parallel to a damaged Bridge on
consideration of a sum of Rs.50,00,000/- for the period
19.12.2016 to 18.03.2017 with *Agrahan Nao Yatayat*
Swablambi Sahkari Samiti Ltd., Chautham (hereinafter referred
to as the Co-operative Society). The petitioner has been
implicated in her capacity as Chief Executive of the said



Society. Allegedly, against the said total settlement amount of Rs.50,00,000/-, only 31,45,000/- has been deposited and rest of the amount has not been deposited.

Mr. Sandip Kumar, learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 406 of the Indian Penal Code can be said to be made out on the basis of what has been alleged in the First Information Report in the absence of any allegation of entrustment of the money in favour of the petitioner which can be said to have been misappropriated. He has further submitted that a recovery proceeding has already been undertaken and a Certificate Case has been registered by the District Certificate Officer, Khagaria. He has further submitted that the petitioner being the Chief Executive of the Cooperative Society cannot be said to be individually liable for payment of the due amount

I find force in submission made on behalf of the petitioner.

Considering the above, this application is allowed. Let the petitioner, above-named, 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 Chief Judicial Magistrate, Khagaria**, in connection with **Chautham**



P.S. Case No. 105 of 2017, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the court on two consecutive occasions, her bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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