

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76227 of 2019**

Arising Out of PS. Case No.-243 Year-2019 Thana- TEKARI District- Gaya

SANGITA KUMARI Wife of Shambhu Sharma Resident of Village/mohalla-
Mau, P.S.-Tekari, District- Gaya, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

3 06-03-2020 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending her arrest in connection with Tekari P.S. Case No. 243 of 2019 for the offence under Sections 409, 420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in connection with distribution of Nal Jal Scheme, Rs. 19,11,700/- was released and work only worth Rs.4,25,450/- completed and rest amount was defalcated. He further submits that in relation to the same project co-accused Dharmendra Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 60816 of 2019 vide order dated 26.09.2019. The relevant part i.e. para 3 to 5 of the order is quoted herein below:

“3. It is submitted that the petitioner, Panchayat Secretary of Mau Panchayat, has been falsely implicated on the accusation that as against Rs. 19,11,700/- released for



execution of the work under Nal Jal Scheme in Ward No. 9 of Mau Panchayat, work had been done only to the extent of Rs. 4,25,450/- and the remaining amount defalcated. It is submitted that nothing has been defalcated, rather some deficiencies in the work executed had been pointed out in letter no. 55, dated 10.06.2019 issued by the office of the Block Development Officer, Tekari, Gaya. The petitioner assures that the deficiencies pointed out would be removed within a period of three months. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gaya in connection with Tekari P.S. Case No. 243 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) The petitioner shall ensure that the deficiencies pointed out in the aforesaid letter no. 55 dated 10.06.2019 are removed within three months to the satisfaction of the Block Development Officer, Tekari, Gaya.

(ii) That one of the bailors shall be a



close relative of the petitioner.

(iii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification that the defects as aforesaid have been removed within three months, to the satisfaction of the Block Development Officer, Tekari, Gaya, conversely, his bail bond shall stand automatically cancelled.”

In order to maintain consistency the present bail application is also disposed of in similar terms.

(Anil Kumar Upadhyay, J)

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