

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8177 of 2020**

Arising Out of PS Case No.-257 Year-2017 Thana- AKBARPUR District- Nawada

Mukhiya Smt. Sahima Khatoon @ Sahima Khatoon, aged about 50 years, Female, Wife of Mohammad Usman Ali, Resident of Village - Runipur, PS- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohammad Nausad Alam Siddique, Son of Mustak Ahmad, at present B.D.O. of Akbarpur Block, Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bind Keshari Kumar, Sr. Advocate with Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-03-2021

Heard Mr. Bind Keshari Kumar, learned senior counsel along with Mr. Ravi Shankar Pathak, learned counsel for the petitioner and Mr. Parmeshwar Mehta, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Akbarpur PS Case No. 257 of 2017 dated 14.11.2017, instituted under Sections 419, 420, 467, 468 and 409/34 of the Indian Penal Code.

3. The allegation against the petitioner is that she in the capacity of *Mukhiya* along with co-accused Panchayat Secretary



had withdrawn Government money to the tune of Rs. 66,60,000/- and embezzled the same through various cheques from the account *Mukhya Mantri Saat Nishchay Yojna*.

4. Leaned counsel for the petitioner submitted that it was the account which was jointly operated by her and the Panchayat Secretary and the money withdrawn was by the Panchayat Secretary. It was submitted that the petitioner is a lady having no criminal antecedent and the Panchayat Secretary has been granted bail by a co-ordinate Bench by order dated 01.08.2018 passed in Cr. Misc. No. 7785 of 2018.

5. Learned APP submitted that the petitioner was also an equal partner in the crime as she has signed and not made a complaint anywhere that the money was illegally withdrawn by the Panchayat Secretary. Further, it was submitted that the co-accused Panchayat Secretary has been granted bail after remaining in prison for some time whereas, the present application is for grant of anticipatory bail. It was submitted that the petitioner cannot shirk responsibility of withdrawal of such huge amount as nowhere before any authority in the past, she had made any complaint with regard to money being withdrawn illegally by the Panchayat Secretary or that her signature was fraudulently taken



or she has not signed and, thus, she cannot escape from consequences thereof.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, in view of submissions of learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and seeks bail within four weeks from today, the same shall be considered, on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

