

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 32859 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- BAUSI District-Araria

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Monika Roy, Gender-Female, aged about 29 years, Wife of Shri Saurabh Kumar,
Resident of Village - Hanumant Nagar, Ward No. 16, Police Station -Araria,
District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 25-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sandip Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bounsi PS Case No. 119 of 2019 dated 06.09.2019, instituted under Sections 409/420 of the Indian Penal Code.



4. The allegation against the petitioner, who is a Gramin Awas Sahayak, is that she had approved payment of three instalments and even final instalment in cases where the work under the Indira Awas Yojana had either not begun or not completed.

5. Learned counsel for the petitioner drew the attention of the Court to a letter of the Block Development Officer, prior to lodging of the FIR, in which it has been stated that as per the show cause reply submitted by the petitioner, deficiencies had been rectified. Thus, it was submitted that the FIR itself has been erroneously instituted.

6. Earlier, the Court by order dated 05.04.2021, had required the Superintendent of Police, Araria, to submit a report specifically with regard to whether for the payments which have been approved by the petitioner, the work was actually completed or not. In terms thereof, the Superintendent of Police, Araria has submitted a report dated 19.06.2021, the gist of which is that the construction work of Indira Awas of all the concerned beneficiaries have been completed. It has further been stated that besides the construction from the money for the Indira Awas Yojana, some beneficiaries have constructed more rooms by using their own money also.



7. Learned APP, placing the report of the Superintendent of Police, Araria, submitted that construction work of the beneficiaries concerned has been found to be complete.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Bounsi PS Case No. 119 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of her bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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