

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47448 of 2021

Arising Out of PS. Case No.-467 Year-2018 Thana- DINARA District- Rohtas

CHANDRAWATI DEVI Wife of Awadh Bihari Ram Resident of Village-
Akodha, P.S.- Dinara, District- Rohtas (Sasaram), Bihar.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Bikramdev Singh, Advocate. Mr. Saroj Kumar, Advocate. Ms. Bindu Kumari, Advocate.
For the State	:	Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 09-12-2021 The applicant/accused in Crime No. 467 of 2018 registered with Police Station-Dinara for the offences punishable under Sections 409, 420, 467 and 468 of the Indian Penal Code, by this application is seeking her release on bail during the course of the trial.

Undisputedly, the chargesheet is filed and the applicant is behind the bars from 28.06.2021.

This case is taken up out of turn for hearing because of marriage of the daughter of the applicant.

Heard learned counsel appearing for the applicant/accused. By drawing my attention to the F.I.R. as well as the order passed by the Coordinate Bench of this Court, he argued that it is not the case of the prosecution that no work as



sanctioned was done by the Gram Panchayat. On the contrary, what is alleged by the prosecution is minor variation and the accused placed in similar situation is already granted the relief of anticipatory bail by this Court.

Learned Prosecutor opposed the application by contending that the offence is financial offence and, therefore, the applicant is not entitled for bail.

I have considered the submissions so advanced and also perused the materials placed before me.

Undisputedly, Village Panchayat Secretary is granted relief of anticipatory bail by this Court vide order dated 16.05.2019 passed in Criminal Misc. No.15813 of 2019. Allegations in the F.I.R. lodged by the Block Development Officer are to the effect that work of construction of brick road was sanctioned in the village and one of the labourers, who was shown to have worked in the construction of that road, has stated before the Block Development Officer that he had, in fact, not worked as labourer for construction of that road. Prima facie, it seems that the prosecution is not alleging that the work is not done at all. What seems to be the allegation is of minor variation in the work.

The investigation of the crime in question is over. The



applicant, who is lady and Mukhiya of the Gram Panchayat, is undergoing pretrial detention from June 2021.

Considering the nature of allegations made by the prosecution and the fact that co-accused having similar case against him is already granted anticipatory bail by this Court, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No. 467 of 2018 registered with Police Station-Dinara for the offences punishable under Sections 409, 420, 467 and 468 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of



similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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