

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37693 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- BALTHAR District- West Champaran

Nurun Nesa, aged about 40 years, Female, Wife of Atiurrahman, Resident of village- Dhakutawa Tola, Lakhaura, PS- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjeev Kumar, learned counsel for the petitioner and Mr. Umesh Lal Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Balthar PS Case No. 9 of 2020 dated 02.02.2020, instituted under Sections 406, 409, 420, 467, 468 and 471 of the Indian Penal Code.

4. The allegation against the petitioner, as per the written complaint of the Block Development Officer, Sikta, West Champaran, is that, he being the Mukhiya of Gram Panchayat Raj Dhankutwa, did not complete the project under the *Mukhyamantri Gramin Pajjal Nishay Yojana* and



Mukhyamantri Gramin Gali Nali Pakkikaran Nishay Yojana
within time.

5. After some arguments, learned counsel for the petitioner submitted that in view of sufficient materials available with him to show that the role of the petitioner was limited to only initial transfer of the money to the Ward Implementation Committee, he may be permitted to withdraw the petition to enable her to surrender before the Court below and pray for bail. It was submitted that this Court may indicate that the Court below may consider all the points raised in the present petition and not be prejudiced by the withdrawal of the present petition.

6. Learned APP does not object.

7. Having regard to the aforesaid, as prayed for by learned counsel for the petitioner, the petition stands disposed of as withdrawn.

8. However, if the petitioner appears before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order. It goes without saying that it shall be open to the petitioner to place all points and materials, including those brought before this Court in the present proceeding, before the Court below while pressing her petition for grant of bail.



9. Interim protection granted to the petitioner under order dated 20.07.2021, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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