

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51257 of 2021

Arising Out of PS. Case No.-503 Year-2020 Thana- SASARAM NAGAR District- Rohtas

KANCHAN DEVI Wife of Vinod Kumar @ Vinod Gupta Resident of Ward no. 11, Fazalganj, P.O. Sasaram, P.S. Sasaram Town, District - Rohtas at Sasaram, presently Chief Councilor of Sasaram Nagar Parishad, District - Rohtas at Sasaram.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Heard learned counsel for the petitioner and Mr. Bhanu Pratap Singh, learned APP for the State.

Petitioner is seeking regular bail in connection with Sasaram Town P.S. Case No. 503 of 2020 registered for the offences punishable under Section 419, 420, 409, 467, 468, 471 and 34 of the Indian Penal Code. She is in custody since 18.6.2021. Petitioner has got one criminal antecedent.

This case has come up for hearing out of turn on the mentioning made by learned counsel for the petitioner saying that she being a mother of four years child is facing a lot of difficulties in taking care of her small child as there is no female member in the family to look after him.

Learned counsel for the petitioner submits that this



petitioner has been made accused together with the then Executive Officer and the Junior Engineer who was the contractor in respect of the Scheme No. 12/2019-20 in Ward No. 24 (from the house of Chandan to the house of Iriti Sonkar, filling up of earth and PCC construction work). It is alleged that a sum of Rs. 7,23,824/- has been misappropriated by forging the signature of the Assistant Engineer.

Learned counsel submits that the Junior Engineer who was the contractor of the Scheme has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 5936 of 2021 on the condition that he will deposit a sum of Rs. 3 lakhs within a Period of eight weeks which shall be subject to final disposal of the case. Learned counsel offers that this Court may consider granting bail to the petitioner as the petitioner would be ready to deposit a sum of Rs. 2 lakhs as a condition precedent for acceptance of the bail bond in the Court below subject however that such deposit would be subject to the result of the case.

Learned counsel further submits that so far as this petitioner is concerned, she happens to be the Chief Councilor and the present FIR has been lodged implicating her for political reasons as in course of investigation no prima facie material has



been collected to show that the petitioner has forged the signature of the Assistant Engineer.

Mr. Bhanu Pratap Singh, learned APP for the State has though opposed the prayer for bail of the petitioner but there is no contest that the Junior Engineer was the contractor for the Scheme in question and he has been granted privilege of anticipatory bail.

Considering the facts and circumstances of the case, there being no prima facie material present in the FIR against the petitioner, the allegations are jointly against the three accused including the petitioner and one of them has been granted privilege of anticipatory bail, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No. 503 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in terms of her own offer made before this Court, the petitioner shall deposit a sum of Rs. 2 lakhs in the appropriate head of Sasaram Nagar Parishad or by way of a bank draft in the name of Sasaram Nagar Parishad in the learned Court below as the case may be while submitting the bail bond.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

