

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3959 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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1. SAMIM SAI @ SHAMIM SAI, Son of Piyare Husain Sai Resident of Village- Kharuhi, Bara, Farid, P.S.- Kundwa, Chainpur, Distt- East Champaran, Motihari.
 2. Nazma Khatoon @ Nazma, W/o Samim Sai @ Shamim Sai Resident of Village- Kharuhi Bara, Farid, P.S.- Kundwa, Chainpur, Distt- East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-08-2021 Heard Mr. Sharda Nand Mishra, learned

advocate for the petitioners and Ms. Asha Devi, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Kundwa Chainpur P. S. Case

No. 01 of 2020, dated 02.01.2020, instituted for the

offences under Sections 323, 504, 409, 420, 354 and

354 (B) of the Indian Penal Code.

The F.I.R. has been lodged by one of the

Panches of the ward of which the petitioner no. 2 is the



President. The petitioner no. 1 is the husband of petitioner no. 2.

The accusation in the F.I.R. is that the amount earmarked for Mukhya Mantri Gramin Nal Jal Yojana has been unauthorizedly and fraudulently withdrawn. This information was provided to the informant by the Secretary of the project. When the petitioner no. 2 was confronted with this fact, she along with her husband (petitioner no. 1) misbehaved with the informant.

Mr. Mishra, learned advocate for the petitioners has submitted that the money of the project was withdrawn by the joint signature of petitioner no. 2 and the Ward Secretary. Such works are executed under the direct supervision of the concerned Block Development Officer. There has been no complaint whatsoever with respect to execution of work.

It appears, it has been argued, that the informant has some dispute with petitioner no. 2, but the present F.I.R. has been lodged showing that there



has been defalcation of government money.

The source of information to the informant regarding the aforesaid embezzlement is also not clear; rather it is very very uncertain.

A somewhat old story has been narrated in the F.I.R. that the informant was made to sign a blank piece of paper for some other purpose which was converted into a document which gave benefit to petitioner no. 2.

The petitioner no. 1 has only been made accused in this case because of his relationship with petitioner no. 2.

For the facts afore-stated, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahana at Dhaka,



East Champaran, in connection with Kundwa Chainpur P.
S. Case No. 01 of 2020, subject to the conditions as
laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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