IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12445 of 2021

Arising Out of PS. Case No.-441 Year-2020 Thana- TURKAULIYA District- East Champaran

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ANITA KUMARI D/o Parasnath Singh, W/o Gan Nayak Singh, Resident of Village - New Chandmari Akauna Math Road, P.S.- Town Motihari, Dist.- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar. ... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate
For the informant	:	Mr. Pushkar Narain Shahi, Sr. Advocate Mr. Dhirendra Kuma, Advocate
For the State	:	Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

9 12-05-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State assisted by the learned counsel for the informant.

The petitioner apprehends her arrest in connection with Turkaulia (Banjaria) P.S. Case No. 441 of 2020 registered for offence punishable under sections 409, 420 and 120(B) of the Indian Penal Code.

As per allegation, in compliance of the direction of His Excellency, Governor of Bihar, an enquiry was conducted. Co-accused, Anjani Kumar Singh and other persons were found guilty in that inquiry. As per allegation, a forged committee was constituted on the recommendation of Anjani Kumar Singh by the Bihar School Examination Board on misrepresentation. The present petitioner, being one of the members of that Committee, has issued cheques in different accounts along with co-account holder, Anjani Kumar Singh. As per allegation, the entire withdrawal of Rs. 91,84, 891/- was illegal.

The learned counsel for the petitioner has submitted that the petitioner was an ex-officio member of the Committee. There was a dispute between two Committees and whatever the Committee was constituted, the petitioner is/will be an ex-officio member of that Committee. He by drawing my attention towards paragraph no. 71 of the supplementary case diary, has also submitted that during the investigation, it has been figured that Rs.91,84,891/-was distributed in different accounts mentioned in paragraph 70 of the case diary and during audit, it was found that the entire expenditure was found to be genuine.

On the other hand, the learned additional Public Prosecutor, assisted by the learned counsel for the informant, has submitted that the bank account itself was opened on the basis of forged documents and not only this petitioner, but the Bank officials have also been made accused in this case. He has submitted further that the issuance of the cheque was itself illegal, as the Committee was not authorised to issue the cheque, since it was found to be a forged Committee. He has also submitted that co-accused, Anjani Kumar Singh has been granted regular bail, but it is an anticipatory bail.

Considering the above-mentioned facts and circumstances, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

The learned court below may consider the regular bail petition of the petition if so filed, on its own merit without being prejudiced by this order. The learned court below may also take notice of the fact that co-accused, Anjani Kumar Singh has been granted regular bail by the coordinate Bench of this Court.

(Nawneet Kumar Pandey, J)

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