

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3596 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- TEGHRHA District- Begusarai

SABRUN KHATOON W/O MOHAMMAD MANJEET @ MD. MANJAT
MIYAN R/o village- Pipra Dodraj, Ward No. 09, P.S.- Teghra, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.

Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Teghra
P.S. Case No. 197 of 2021 registered for the offences punishable
under Section 409 of the Indian Penal Code.

As per prosecution case, the informant who is the
present petitioner has lodged the FIR stating that she is ward
member of ward no. 9 and the onus of work under Nal Jal Yojna
scheme was given to her and she has issued the cheque of Rs.
17,10,000/- in favour of contractor Binod Kumar (co-accused),
owner of Shubham Agrotech and Mukesh Kumar (co-accused)
as per direction of Mukhiya Shri Ram Sogarath Sahni (co-
accused) but after several reminders, concerned contractor did



not complete the work and left the work near about 25 per cent.

Learned counsel for the petitioner submits that status of the informant has changed and she has become accused in the present case as she has not followed the direction given by the concerned authority. Learned counsel further submits that during the course of investigation on the basis of statement of B.D.O. which has been mentioned in para 12 of the case diary, it has surfaced that informant (petitioner) in connivance with contractor issued the cheque and the work given to her could not be completed. He further submits that petitioner being lady has followed the direction of the concerned authority as report submitted on the instruction of District Magistrate through B.D.O. says that work under Nal Jal Yojna scheme has already been completed. Petitioner is in custody since 18.11.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State has filed counter affidavit on behalf of concerned B.D.O. but the submission of learned counsel of the petitioner regarding completion of work under Nal Jal Yojna scheme has not been controverted by the learned APP through his counter affidavit.



Considering the facts and circumstances of the case, period of custody, petitioner is lady and bears no criminal antecedent, report submitted by the concerned B.D.O. mentioning completion of work under Nal Jal Yojna scheme, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 197 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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