

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4519 of 2022

Arising Out of PS. Case No.-210 Year-2016 Thana- KOTWALI District- Munger

Rachana Kumari Wife Of Sri Kundan Kumar Resident Of Village- Sandalpur,
P.S.- Kasim Bazar, District- Munger, Bihar-811201

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a woman having clean antecedent and the informant who is the Civil Surgeon, Munger alleges that on different dates in between 07.11.2008 to 14.01.2009 an amount of Rs. 6,99,791/- was paid to M/s. Shri Krishna Febicons Private Limited, Patna by six bank drafts, the details of which have been mentioned in the FIR, it is next alleged that the aforesaid firm did not supply the medicines for which the amount was paid, nor returned the money even after correspondence in this



regard.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, the date of occurrence is in between 07.11.2008 to 14.01.2009 and the present FIR came to be instituted on 05.08.2016 i.e., after a delay of nearly more than seven years, it is also submitted that it absolutely does not stand to reason that as to why an FIR came to be instituted when government money was involved, it is next submitted that the authorities should have been vigilant when the medicine in terms of the agreement was not supplied by the firm. Learned counsel submits that by instituting a criminal case, the accused can only be prosecuted but the public money would not be returned, it is further submitted that it absolutely does not stand to reason that as to why no steps were taken by the authorities for recovering the amount from the firm which had taken money in lieu of supplying the medicine which was never supplied. Learned counsel next submits that petitioner is not named in the FIR and during the course of investigation, she came to be implicated in a mechanical manner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that now certificate case has been instituted against the firm for



recovering the amount.

Considering the submissions made by the learned counsel for the petitioner and the fact that there is an inordinate delay in instituting the FIR, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kotwali P.S. Case No. 210 of 2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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