

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9370 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MADHUBAN District- East Champaran

SAHJAHAN KHATOON W/O ALLAUDDIN MIAN R/o village- Sirauli,
P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 420, 409/34 of the Indian Penal Code.

The F.I.R. has been lodged on the basis of letter no. 97 dated 22.02.2021, after receiving letter no. 60 dated 22.02.2021 of Panchayat Secretary Gram Panchayat Raj Kothia, Kothia Block- Tetaria, East Champaran, given to Officer-in-Charge of P.S. Madhubani. This letter no. 60 dated 22.02.2021 was sent by Panchayat Secretary on the basis of report submitted by



Gaurav Kumar Technical Assistant/Junior Engineer (J.E.) Tetaria given to Block Department Officer, East Champaran on dated 15.02.2021 regarding defalcation of amount of the Government for work of Ghar Nal Yojna.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and she has been falsely implicated in the present case. He further submits that during course of investigation, the Investigating Officer enquired into the matter and asked the report from the Block Development Officer. Pursuant to which, the Block Development Officer seeks a report from the Secretary, Gram Panchayat Raj Kothiya. The Secretary, Gram Panchayat Raj Kothiya has submitted a report vide letter dated 07.01.2022 in which he has categorically stated that altogether Rs. 31,17,000/- has been allotted in favour of the petitioner and another co-accused persons. It appears from the report itself that the petitioner has completed the work from the aforesaid amount of Rs. 31,12,300/- and the rest amount of Rs. 4700/-, she has already deposited in the Bank Account No. 496010110015088 of Bank of India from which the petitioner and others have received the advance amount.

Learned counsel for the petitioner further submits that in view of the aforesaid, there is no case made out against the



petitioner under Section 420 and 409 of the Indian Penal Code and the petitioner is in custody since 09.06.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Madhuban P.S. Case No. 57 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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