

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35232 of 2021

Arising Out of PS. Case No.-381 Year-2019 Thana- KESARIA District- East Champaran

PUSPA DEVI @ PUSHPA DEVI S/o- RAM NARESH THAKUR Resident of
Village- Bankat, Ward No.12, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending her arrest in a case
registered under Sections 406, 420 of the Indian Penal Code.

Prosecution case, in short, is that the petitioner
embezzled Rs.7.93 lacs of the members of Kailash Jeevika
Mahila Gram Sangthan and the petitioner returned Rs.2.15 lacs
on the pressure made by the villagers.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has been made accused due to mistake of fact. As per the allegation, Rs.7.93 lacs of the members of Kailash Jeevika Mahila Gram Sangthan has been misappropriated by the petitioner. Out of the said amount, Rs.2.15 lacs has already been deposited by her. It is further submitted that the balance amount of Rs.5.78 lacs will be deposited by the petitioner in four equal instalments within a period of four months in the court below and the said deposited amount may be handed over to the concerned authorities.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner is directed to deposit Rs.5.78 lacs in four equal instalments within a period of four months in the court below, which will be handed over to the concerned authorities. **Let the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of four weeks from today, be released on provisional 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 learned C.J.M., East Champaran, Motihari in connection with Kesariya P.S. case No.381 of 2019, G.R. case No.5779 of 2019,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner deposits the aforesaid amount within the period as indicated above, the provisional anticipatory bail granted to the petitioner shall be confirmed by the court below itself. If the petitioner fails to deposit the aforesaid amount in the manner as indicated above, the court below will be at liberty to cancel the provisional anticipatory bail granted to the petitioner.

The parties will be at liberty to make an application thereafter in the court below for dropping the prosecution taking into account that the dispute between the parties stands resolved. If any such application is made by either of the parties, the court below shall consider the same and pass an appropriate order in accordance with law.

(Sudhir Singh, J)

Narendra/-

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