

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46051 of 2021

Arising Out of PS. Case No.-207 Year-2019 Thana- KATRA District- Muzaffarpur

Sadhana Devi, wife of Mr. Pramod Kumar Tiwari, resident of Village-
Sonepur Gautoli, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 15-04-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected
to honour his undertaking given in the instant case for
depositing the requisite court fee and to remove the
defects as pointed out by the office when called upon to
do so by the office.

The petitioner is apprehending her arrest in a
case registered for the offences punishable under
Sections 409, 420, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that
government funds were made available to the Central



Co-operative Bank, Muzaffarpur through Bihar State Co-operative Bank, Patna under the Government scheme for the procurement of paddy on M.S.P for the year 2014-15. The Chairman and Executive Members of PACS were authorized to make payment to farmers against the procurement of paddy but the said amount was not disbursed properly and were misused. The petitioner, at the relevant time was the Chairman of Sonapur, PACS, Katra, Muzaffarpur.

It is submitted by learned counsel for the petitioner that amount was disbursed to several farmers from whom paddy was procured but the paddy procurement officer refused to accept the said paddy on the ground that it is not completely dry and the time fixed by the government to accept the paddy has expired. Thereafter, the petitioner requested the farmers to return the money and accordingly, some of the farmers returned the money which was deposited in the Central Co-operative Bank, Gaighat, Muzaffarpur on



different dates and in different amounts and out of total amount of Rs. 4,98,000/- as claimed in the F.I.R, a sum of Rs. 3,35,000/- has already been deposited which is evident from the F.I.R itself and only Rs. 1,63,000/- is lying due which the farmers have not returned. A supplementary affidavit has been filed to the effect that out of Rs. 1,63,000/-, an amount of Rs. 1,35,000/- has already been deposited. The receipts of the aforesaid amounts have been annexed as Annexure-3 and 3/1 of the supplementary affidavit. Moreover, the Central Co-operative Bank, Muzaffarpur has sent a letter to its Patna Head Office for waiving off the interest and the matter is pending before the Head Office, Central Co-operative Bank, Patna.

In the facts and circumstance of the case, let the petitioner, above named, in the event of her arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands)



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st, Class, Muzaffarpur in connection with Katra P.S. Case No. 207 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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