

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37380 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- RAIYAM District- Darbhanga

CHAMELI DEVI W/O SRI RAM ASHISH CHAUPAL Resident of village-
Bansera, Mohanpura, Ward No. 04, P.O.- Pacharhi, P.S.- Raiyam, District-
Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 406, 409, 420
and 34 of the Indian Penal Code, in connection with Raiyam
P.S. Case No. 40 of 2020.

As per the prosecution story, an amount of Rs.
16,00,000/- and Rs. 18,00,000/- was sanctioned for Ward
Nos. 04 and 08 of Bansara Gram Panchayat for Chief
Minister 'Nai-Jal Yojana' for doing technical and



administrative work. Out of the aforesaid amount, an amount of Rs. 15,75,000/- was withdrawn for doing work at Ward No. 04 and an amount of Rs. 15,00,000/- was also withdrawn for doing work at Ward No. 08. However, due to non-completion of work as per standard procedure even after withdrawal of money, the present FIR was lodged.

Learned counsel for the petitioner submits that contrary to the allegation made, no amount has been defalcated and whatever amount was withdrawn, the work has been undertaken and the measurement report also supports the same. It is his further submission that some of the similarly situated persons namely Ram Balak Chaupal and Rekha Devi have since been released on bail vide Cr. Misc. No. 32798 of 2021 and in Cr. Misc. No. 64450 of 2021 by the coordinate benches of this Court.

He lastly submits that irrespective of the outcome of the present bail application, the petitioner is ready to contribute to Patna High Court Legal Services Committee a sum of Rs. 25,000/- through Demand Draft issued by local branch State Bank of India.

Considering the fact that the lady is in custody since 10.3.2022, charge-sheet stands submitted and some of



the similarly placed co-accuseds have since been released on bail, this Court is inclined to grant her the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-5th, Darbhanga, in connection with Raiyam P.S. Case No. 40 of 2020 subject to the following conditions:-

(i) the petitioner shall contribute through Demand Draft of Rs. 25,000/- issued by local branch of State Bank of India in favour of Patna High Court Legal Services Committee.

(ii) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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