IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48273 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- SARMERA District- Nalanda

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Smt Neelam Devi S/O- Shri Vinod Kumar @ Karu Singh Resident Of Village- Sarmera, P.S.- Sarmera, District- Nalanda.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

7 29-09-2022 Heard learned counsel for the petitioner and learned A.P.P appearing on behalf of the State.

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

The prosecution case as per F.I.R is that the Block Development Officer of Sarmera Block has alleged that Mukhiya of village Sarmera Panchayat, the Junior Engineer and Green Power Agency have committed financial irregularities and misused the government fund meant for implementation of "*Gramin Pay Jal Nishchay Yojna*" under "*Mukhyamantri Nischay Yojna*" scheme.

During course of inquiry, it came to light that Green Power Agency is forged agency and it is on paper only and its owner is close relative of Mukhiya of Sarmera Panchayat, the petitioner. It is further alleged that this petitioner forcibly took away the cheque from the Ward member which is clear from the serial number of cheque and date of depositing in the branch. It is also alleged that petitioner did not withdraw the government fund directly rather she grabbed the money by withdrawing the same in the name of forged Green Power Agency.

It is submitted by learned counsel for the petitioner that petitioner is innocent and she has falsely been implicated in this case. It is further submitted that concerned government fund is directly transferred in the account of Ward Kriyanwayan Prabandhan Samiti which is responsible for implementation of the government policy and disbursement of the money amongst the labourers and material suppliers. The petitioner has no concern either with the Green Power Agency or the owner of the agency. The D.P.R.O., Nalanda had directed to lodge a case not against the petitioner but against Ward Execution Committee, Chairman and Secretary of the Committee.

Learned A.P.P appearing on behalf of the State after perusing the case diary has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that there is direct allegation against the petitioner that she snatched the cheque from the concerned authority and acted to provide profit to her near and dear and misused her position. There is allegation of defalcation of huge amount of Rs. 80,40,000/- of the government fund. The other witnesses in para 6 and 7 and the informant in para 5 have supported the prosecution version.

This Court vide order dated 01.08.2022 had called for a report from the Superintendent of Police, Nalanda at Biharsarif with regard to involvement of the petitioner in the present case. The report has been received and it has been kept at Flat-B. The report suggests that petitioner is directly involved in the embezzlement of government fund. The said Green Power Agency is a forged agency and it has been established by the petitioner for defalcation of government fund and through this agency, huge government fund was transferred by the petitioner in her favour.

In the facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail to the petitioner stands rejected.

(Sunil Kumar Panwar, J)

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