

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54284 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- GURUA District- Gaya

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MAMTA KUMARI W/o Sarvind Kumar R/o village- Matua, P.S.- Gurua,
District- Gaya.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Shivam, Advocate.

For the State : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 22-02-2022 The applicant-lady has claimed out of turn hearing on account of ailment of her son who is said to be suffering from cerebral palsy.

Sufficient time was granted to the learned A.P.P. to verify this fact and to seek instructions on merit of the matter.

The applicant is an accused in Crime No.05 of 2021 registered with Police Station-Gurua for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

Heard both sides and perused the materials placed before me.

I have considered the submissions so advanced.

According to the prosecution case, the applicant, who happens to be the Headmistress of the school run by the State Government has misappropriated the amount from the grants



made available to her for laying down hand-pumps as well as for constructing two kitchen units, toilets and other structures.

The F.I.R. of the subject crime is registered on the basis of the report lodged by the Block Development Officer on 05.01.2021. It is alleged therein that work of the value of about Rs.476000/- is complete on the spot and the balance amount with interest at Rs.771670/- is lying in the bank account. It is further averred in the F.I.R. that the applicant was given time to complete the work.

The investigation of the subject crime is over. The charge-sheet has been filed. The applicant seems to be a public servant and it is not pointed out that she would not be available for trial if she is released on bail. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.05 of 2021 registered with Police Station-Gurua for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:



- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against her so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against her.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if she is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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