

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57384 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- NARPATGANJ District- Araria

Smt. Rubi Devi Santosh Mandal Resident of Village- Fatehpur, P.S-
Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 409, 420 and 120(B) of IPC.

Prosecution case as per the FIR being computerized written report of informant vide letter No.200 dated 06.05.2021 of Md. Amrullah Block Education Officer, Narpatganj annexed with the letter No.551 dated 19.04.2021 of District Programme Officer, Araria for lodging case against the petitioner an accused for committing embezzlement of public fund with dishonest intention and for committing misappropriation of public fund allotted to tune of Rs.11,02,500/- for construction of school building under the Government scheme provided in the year



2011-12 and besides several reminders for final construction works of school building the petitioner being the Secretary and co-accused Md. Kamruzzama, Headmaster of concerned school remained negligence and on inquiry it was found that construction work has been done of cost Rs.8,85,899/- only land rest construction is remained pending as the accused persons have misappropriated the public fund.

Learned counsel for the petitioner submits that petitioner has clean antecedent. She has falsely been implicated in the present case. He further submits that the work in question was allotted to the petitioner for construction of school in question under the Government Scheme and according to FIR the work has completed up to Rs.8,85,899/- only and the rest construction is pending. Learned counsel for the petitioner outrightly submits that he is ready to pay the amount of Rs. 2,16,601/- in the account of the School Management Committee within a period of four weeks.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Narpatganj P.S. Case No. 206 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) At the time of furnishing bail bond, the learned court below shall verify the genuineness of the deposit the amount of Rs. 2,16,601/ before granting the bail.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, her bail bonds shall be cancelled by the Court below.

(3) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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