

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57364 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

POONAM PATHAK Wife of Manoj Kumar Pathak Resident of Urmila
Sadan, Bhawan Vidya, P.O.- Ramna, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Dixit, Advocate
	:	Mr. Utsav Anand, Advocate
	:	Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, 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 and 420 of IPC.

The prosecution case, in short, is that the FIR reveals about non-completion of work plan Code No.0515010/RC/20460650 under MNRGA of Gram Panchayat Raj Bishunpur Jagdish and misappropriation of government money to the tune of Rs.12,79,153/-.

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 petitioner is a



Proprietor of M/s Katyani Enterprises and as per allegation in the FIR that she alongwith other accused persons misappropriated the Govt. fund to the tune of Rs.12,79,153/-. Further submtis that in pursuance to the direction of the District Programme Officer, Bochaha, Muzaffapur, she has deposited Rs.3,20,789/- in the account of State Nodal Officer on 06.04.2022 and the petitioner was no role at all in the present occurrence because she is only a supplier of raw material in the contract in question but after depositing the aforesaid amount, the present FIR has been instituted.

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 Bochaha P.S. Case No. 183 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(1) 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.

(2) 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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