

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70958 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- TEKARI District- Gaya

Savita Devi, Wife of Bimlesh Yadav, Resident of Village - Saidpur, P.S. - Tekari, District - Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Patel, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tekari P.S. Case No. 93 of 2021 registered for the alleged offences under Sections 406 and 409 of the Indian Penal Code.

The prosecution case is that the petitioner, a ward member, and other co-accused persons were found indulging in financial irregularity and slackness in their works towards completion of '*Nal Jal Yojana*'. Further allegation is that of defalcation of public funds.



The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence as alleged in the FIR. The co-accused Guddu Kumar, who was the Ward Secretary, had not been cooperating in the work and this petitioner made complaint to Block Development Officer on various dates and an explanation was called from the Ward Secretary. Due to inaction of Ward Secretary, no work could be completed and fund was not utilized in proper manner. Learned counsel further submits that it is also not clear what role the petitioner has in defalcation of money. Only general and omnibus allegations have been levelled against the petitioner. Learned counsel further submits that co-accused Guddu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 12.05.2022 passed in Cr. Misc. No. 575 of 2022. The charge-sheet has been submitted in this case and the petitioner is in custody since 25.08.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that it is a case of defalcation of public funds and there is direct involvement of this petitioner.

Perused the records.

Having regard to the submissions made hereinabove



and considering the fact that the charge-sheet has been submitted in this case and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Tekari P.S. Case No. 93 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

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(Arun Kumar Jha, J)

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