

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59573 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- SIKARPUR District- West Champaran

SAMINA KHATUN W/O Shamsuddin @ Samsuddin Gaddi R/O Vill-
Odarwa, Kukurha, P.S- Shikarpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Section 420, 406
and 409 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant namely, Satish Kumar (Block Development
Officer), Narkatiaganj stating therein that the petitioner is said
to have misused the public money and not discharged her
responsibility properly and installed the substandard equipment
under the Scheme of Mukhyamantri (Gramin Peyjal Nischay)
Yojna and Mukhyamantri (Gramin Gali Nali Pakkikaran
Nischay) Yojna.



Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that in fact the petitioner has completed the work in question which was approved by B.D.O. Narkaitaganj and concerned departmental engineer and they have not found any irregularity in the work done. He further submits that similarly situated, co-accused, namely, Izharul Haque @ Ejharul Haque who is Mukhiya of the locality has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.02.2022 passed in Cr. Misc. No. 52850 of 2021 and the case of the petitioner is better footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of her arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sikarpur P.S. Case No. 02 of 2021,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 his criminal antecedent, 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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