

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10243 of 2023

Arising Out of PS. Case No.-549 Year-2021 Thana- PIRBAHOR District- Patna

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MALTI ROY W/O MD. ZAFAR AHSAN R/o- China Kothi, North Mandiri,
P.S.- Buddha Colony, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shadab Akhter

For the Opposite Party/s : Mr. Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2023 Learned APP for the State filed a counter affidavit in
the present case.

Let it be kept on the record.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending her arrest in a case
registered for the offence punishable under Sections 406 and
409/34 of the Indian Penal Code pending in the learned court
below.

As per the prosecution case, police has seized a large
number of HIV protective kits and disposable gowns which are
11,000/- pieces and 21,500/- pieces respectively.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. He further submits that petitioner is a grade A nurse of P.M.C.H. and she retired from the service on 31.05.2021 and after retirement the pension and others payments were made to the petitioner on the basis of no dues certificate issued by the concerned department. He submits that the seized material belongs to the PMCH and therefore, a three man committee was set up by the Superintendent of PMCH and it is found that during the time the petitioner was working as an incharge of the said ward and the said material was removed from the ward. He further submits that during the inquiry, notice has been issued to the petitioner but without hearing the petitioner, the said order was passed and held that the petitioner guilty in this case and this fact has also not been denied by learned APP for the State. He submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that without hearing the petitioner the inquiry report was submitted by the committee, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Pirbahore P.S. Case No.549/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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