

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10662 of 2023**

Arising Out of PS. Case No.-43 Year-2021 Thana- BARURAJ District- Muzaffarpur

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DHANMANTI DEVI Wife of Bharat Mahto R/V- Bangri, P.S- Sarai, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 27-06-2023 Heard the parties.

Learned APP for the State has filed a counter affidavit in
the Court.

Let it be kept on record.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 409, 420 of the
Indian Penal Code.

The main allegation against this petitioner is that a
payment of Rs. 17,70,000/- has been made through cheques to
the petitioner and co-accused Hiralal Mahto (Secretary) under
the 'Payjal Nischay Yojna' but the work has not been completed.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. She has been



falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that petitioner was elected on the post of Ward Member from Ward No.7. Petitioner and co-accused Hiralal Mahto (Secretary) were authorized for work of Mukhyamantri Gramin PayJal Nischay Yojna. Both the accused persons received the cheques of amounting Rs. 17,70,000/- in different dates and all the work of said Yojna has been completed. It is further submitted that the officer related with said Yojna wanted to take bribe, the petitioner and co-accused Hiralal Mahto (Secretary) of said Yojna refused to do so. Due to that, this false and concocted case was instituted. He further submits that the petitioner had done the work according to estimate and fund under the supervision of officer of said Yojna. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that though the fund was released in the account of the petitioner and co-accused in the year 2019, but the work was done with delay of three years i.e. on 05.09.2022. It is further submitted that the work was not done as per the given amount, as the payment of Rs. 17,70,000/- has been made to this



petitioner through cheque under 'Payjal Nischay Yojna', but the work was done worth Rs. 17,55,000/-.

Petitioner is agreed to pay double of the rest amount to the concerned department.

Having regard to the facts and circumstances of the case, as petitioner is ready to pay the rest amount to the concerned department, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Baruraj P.S. Case No. 43 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned court below is directed to confirm the bail bond of the petitioner after verifying the fact that petitioner has paid Rs. 30,000/- to the concerned department.

(Anjani Kumar Sharan, J)

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