

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16858 of 2023

Arising Out of PS. Case No.-41 Year-2021 Thana- BATHNAHA District- Sitamarhi

1. Sharda Devi W/O Rameshwar Das Resident of Village- Lachhua P.S.- Bathnaha District- Sitamarhi.
2. Girja Devi W/O Rajesh Mahto Resident of Village- Lachhua P.S.- Bathnaha District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Bathnaha P.S. Case No. 41 of 2021 dated 18.02.2021, registered for the offence punishable under Sections 188, 406, 409 and 420/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits that petitioners are member of Ward Implementation and Management Committee. The petitioners, along with other members, including the chairman, namely, Ramashish Mahto, of the Implementation and Management Committee have been made accused for illegal withdrawal of



Rs. 23,98,214/- which had been sanctioned for utilization in the Nal-Jal Yojana. The cheque had been issued in the account of Ward Management Samiti, who have failed to complete the work of Nal-Jal Yojana. Now the work has been completed by some other person and recovery of money is required to be made from the Ward Member concerned. The petitioners have no criminal antecedent. Other similarly situated co-accused have been privileged with anticipatory bail vide order dated 24.04.2023, passed in Cr. Misc. No. 44311 of 2022.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, claim based on parity as also the clean antecedent of the petitioners, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Sitamarhi, in connection with Bathnaha, P.S.



Case No. 41 of 2021 dated 18.02.2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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