

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16919 of 2023

Arising Out of PS. Case No.-341 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Kanchan Devi @ Smt. Kanchan Devi Wife Of Sanjeet Kumar R/O Village-
Mohanpur, Ward No.6, Ward Member, R/O Village- Kharba, P.S.- Goradih,
District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.12.2022 in connection with Jagdishpur (Goradih) P.S. Case
No. 341 of 2021, F.I.R. dated 09.10.2021 for the offences
punishable under Sections 406, 409, 120B of the Indian Penal
Code.

According to prosecution case, in brief is that the
informant Shankar Harijan, Panchayat Secretary filed FIR and
alleging therein that he deposited Rs.19 lacs in the bank account
of Management Committee of Gram Panchayat Mohanpur Ward
No.6 for Nal-Jal Yojna officiated by Ward Member Kanchan
Devi and Ward Secretary Ram Krishna Sewak. It is further



alleged that the accused persons who are ward members and Secretary and officiating Ward Implementation and Management Committee withdrew Rs.19 lacs, whereas as per measurement book, work of Rs.8,18,643/- is only completed, hence the accused persons have misused and have committed criminal breach of trust.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that the petitioner was the Member of Ward at the time of the work in question. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of Annexure-3 that all the three cheques were issued in the name of M/s R.B. Enterprises who is the contractor. He further submits that before lodging the present F.I.R. the petitioner has already filed a complaint before the B.D.O., Goradih, Bhagalpur on 02.08.2021 but the present F.I.R. instituted on 09.10.2021 after the complaint filed by the petitioner with respect to the present work in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in



judicial custody since 13.12.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 341 of 2021, subject to 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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