

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20735 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- HASPURA District- Aurangabad

Rubiya Devi Wife Of Rajeshwar Ram R/O Village- Barailichak, P.S.-
Haspura, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-05-2023

1. Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

3. Petitioner seeks regular bail in connection with Haspura P.S. Case No. 119 of 2021 dated 05.07.2021 registered for the offences punishable under Sections 406, 407, 408, 409 and 420 of the Indian Penal Code.

4. The main submissions advanced by learned counsel for the petitioner are that as per the FIR, the main allegation is that this petitioner and two co-accused persons withdrew Rs. 1,60,000/- which was sanctioned under the scheme of *Nal-Jal*



Yojana and the same was misappropriated by this petitioner and co-accused persons but the said allegation is completely false and the FIR goes to show that the allegation has been levelled mainly on account of withdrawing the alleged said amount but the petitioner was neither given any opportunity to explain the alleged act nor any inquiry was conducted with regard to the allegation, in actual the petitioner and other co-accused persons have completed the alleged government work as per the scheme and in this regard, the Mukhiya of the concerned panchayat has given a certificate to this effect that water supply under *Nal-Jal Yojana* is being made regularly in the concerned ward no. 7 and the said report has been filed with this petition vide Annexure-2 and the same is sufficient to falsify the allegation levelled against this petitioner. Further submissions are that the petitioner is a lady and belongs to Scheduled caste and has been languishing in jail since 25.12.2022 and against her, the investigation has been completed and she has fair and clean antecedent.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and mainly the petitioner's custody period and her fair and clean antecedent and completion of the investigation against her and also the fact



that she is a lady, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Haspura P.S. Case No. 119 of 2021.

(Shailendra Singh, J)

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