

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29710 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- GOVINDGANJ District- East Champaran

SMT. NILU DEVI Wife of Nawal Kishor Prasad Resident of village-Chutiya
Chintamanpur, Police Station-Govindganj (Malahi), District-East Champaran,
Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34269 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- GOVINDGANJ District- East Champaran

MANOJ KUMAR SAH son of Shiv Vachan Sah Village Po- Chatiya
Chintamanpur Ps- govindganj (Malahi) Dist- E.Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29710 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

(In CRIMINAL MISCELLANEOUS No. 34269 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard the parties.

3. The petitioners apprehend their arrest in a case



registered for the offence punishable under Sections 409, 420, 34 of the Indian Penal Code.

4. Allegedly, the petitioners who are Chairman and Manager of PACS, are said to have committed irregularity in paddy procurement for the session 2021-22.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that in the FIR, it is nowhere mentioned that the purchasing of paddy from *bataidar* or from different member of the family is in violation of any rule, regulation, government instruction as issued by the State government. He further submits that in the entire case diary there is no specific allegation against the petitioners. Petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstance of the case as well as considering the nature of offence, I am not inclined to



enlarge the petitioner namely, Manoj Kumar Sah of Cr. Misc. No.34269 of 2023 on bail. The prayer for grant of bail on his behalf is hereby rejected.

8. However, as the petitioner namely, Nilu Devi of Cr. Misc. No.29710 of 2023 is a lady and there is no specific overt act against her, let the above named petitioner, be released on bail, in the event of her 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 Govindganj (Malahi) P.S. Case No.36 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. These applications are, accordingly, partly allowed.

(Anjani Kumar Sharan, J)

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