

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38308 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- ATHMALGOLA District- Patna

NIRAN DEVI WIFE OF MAHESH TANTI Resident of Village-Bahadurpur
Athamalgola, P.S.-Athmalgola, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Ghoswari P.S. Case No. 46 of 2021 instituted under Sections 406, 420, 409/34 of the Indian Penal Code.

As per the prosecution story, the informant, Block Development Officer, Athmalgola, Patna alleged that the petitioner who is Ward Member of Ward No. 12 got transferred Rs. 12-13 lakh in the Ward Implementation and Management Committee under 'Nali-Gali Nischay Yojana' and got the work done much excess to work, they were entitled for.

Learned counsel for the petitioner submits that the amount was credited in the account and the same was used for the 'Nali-Gali Nischay Yojana' and it is not the case of the informant that there is any misappropriation of amount, only



that excess money was used for the said 'Yojana'. However, the S.D.O., Barh in a mechanical manner gave direction resulting into the present FIR.

On 5.12.2022, a coordinate bench of this Court had directed the State to file counter affidavit on the point whether it is a case of misappropriation or excess money has been used for the work and whether the work has been executed or not.

A counter affidavit on behalf of the Sub-Divisional Officer, Barh, has been filed and learned APP with the help of para-5 submitted that the petitioner got the work executed but in excess of what the Ward was entitled for.

Taking into account the fact that it is not a case of misappropriation rather excess use of money for the work which has been executed, the FIR has been lodged, ultimately she will have to face the trial, is a lady and do not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each in connection with



Athmalgola P.S. Case No. 46 of 2021 to the satisfaction of learned S.D.J.M., Barh, District-Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make herself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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