

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37649 of 2023

Arising Out of PS. Case No.-446 Year-2022 Thana- RAGHOPUR District- Supaul

Binduwala Gupta W/O Surya Narayan Sah, R/O Village- Jahlipatti, PS.
Raghopur, Dist. Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Arun, learned counsel appearing on behalf
of the petitioner and the learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Raghopur P.S. Case No. 446 of 2022 registered for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

3. The F.I.R. suggests that all the accused persons, including the petitioner, who happens to be the Mukhiya of Gram Panchayat, Debipur, were ordered to construct 29 sheds for animals for that they entered into an agreement, but during the course of inspection, it was found that there is only construction of 8 sheds, 6 sheds were partly constructed, 10 sheds were not constructed properly as per agreement whereas in 5 sheds construction was not started and in this way without



construction of whole work, the public money has been misappropriated, causing loss to the Government exchequer.

4. Learned counsel appearing on behalf of the petitioner submits that soon after the lodging of the F.I.R., the loss of unconstructed animal sheds was assessed and pursuant to the direction of the competent authority, the company, which was selected for the construction, returned the amount of Rs.5,76,035/-. In support of the aforesaid contention Annexure-2 has been brought on record. He next submitted that the petitioner, being the Mukhiya of the concerned Panchayat, had only authorized to issue cheques in favour of the construction company. He next submitted that the petitioner is a lady, having fair antecedent, and undertakes that she will fully cooperate in the investigation/trial and whenever her appearance is required, she shall appear before the concerned authority.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the construction Company has already returned the assessed amount of loss, apart from the undertaking given by the petitioner and her fair antecedent, let the petitioner, named above, in the event



of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Birpur, Supaul in connection with Raghopur P.S. Case No. 446 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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