

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43596 of 2023

Arising Out of PS. Case No.-388 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Rukhsana Begum @ Rukhsana Khatoon, female, aged about 44 years, Wife of
Muhtaba Khan, Resident of Village - Barki Sarimpur, P.S.- Buxar (Ind.),
District - Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Advocate
For the Opposite Party : Mr. Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Buxar (Muffasil) P.S. Case No. 388 of 2021 dated 20.10.2021,
instituted for the offence punishable under Sections 406, 420 &
409 of the Indian Penal Code.

3. The allegation against the petitioner who is in-
charge of Kasturba Gandhi Girls School, Jaso is that she along
with two other named accused has embezzled in total Rs.
8,69,480/- which came to light on the basis of enquiry report
dated 29.09.2021.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and she has been falsely implicated in this



case. It is further submitted that the petitioner is a widow lady working as Urdu Teacher and Warden. It is also submitted that the main accused was Lal Babu Mishra, the Headmaster of Middle School, Jaso, who has withdrawn the said amount has deposited the amount i.e., Rs. 8,69,480/- in Nazarat of Civil Court, Buxar, on the direction of learned A.D.J. IV, Buxar given in B.P. No. 230/2023 on 18.05.2023. Lastly, it has been submitted that she has clean antecedents.

5. Mr. Dilip Kumar, learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Buxar (Mufassil) P.S. Case No. 388 of 2021, she shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every



date fixed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be her own blood relation, preferably father, mother, brother & sister.

(iii) The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioner is made accused in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

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