

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47684 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- BIDUPUR District- Vaishali

Nasima Khatoon Wife of Md. Rafakat @ Rafaquat Hussain Resident of
village - Mansurpur, P.O. - Chaksikandar, ward no. 1, P.S. - Bidupur, Distt. -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-10-2023 Heard Mr. Ashhar Mustafa, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending her arrest
connection with Bidupur P.S. Case No. 137 of 2023, F.I.R. dated
03.03.2023 registered for the offences punishable under
Sections 406, 420 read with 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons have misappropriated the
Government amount to the tune of Rs. 11,50,000/- for
construction of *Mukhayamantri 7 Nishay Yojana Road*.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has been falsely
implicated in the present case. He further submits that the



petitioner is a former Ward Member and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the amount in question has come in the account of Warm Implementation and Management Committee (WIMC) on 30.12.2020 and 09.02.2021 respectively and the same was transferred to the Bank account of the then *Mukhiya* Mujahid Anwar and the petitioner has no role at all with the alleged occurrence and she has not the beneficiary of a single rupee and pursuant to the direction of this Court dated 11.08.2023 the petitioner has approached the District Magistrate, Vaishali at Hajipur and pursuant to the application of the petitioner, the District Magistrate, Vaishali has held an enquiry and submit a report stating therein that the petitioner has no role at all in the present occurrence and the other persons even the informant is indulged in the present occurrence and then Junior Engineer has also involved in the present occurrence and he has directed to institute an F.I.R. against them.

5. Learned APP for the State, on the other hand, has opposed the prayer for anticipatory bail of the petitioner but fairly submits on the basis of report received from the District Magistrate, Vaishali at Hajipur and it appears from the report



that the petitioner has no role at all in the present occurrence and pursuant to the direction of the District Magistrate, Vaishali, an F.I.R. was instituted on 15.09.2023 bearing Bidupur P.S. Case No. 549 of 2023 against the other co-accused person including the then Junior Engineer and the Informant, the then *Mukhiya and Mukhiyapati*.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 137 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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