

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47595 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- KOTWA District- East Champaran

Pushpa Devi Wife Of Anil Kumar Sharma Resident Of Ward No 3 Semra Ps
Kalyanpur District East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-10-2023 Heard Mr.Arun Kumar, learned counsel for the

petitioner and Mr.Ram Sumiran Rai, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Kotwa P.S. Case No.489 of 2022, (G.R.No.7695 of 2022) dated 17.12.2022 registered for the offences punishable under Sections 420,467,468,471,34 of IPC.

3. Allegation against the petitioner is that he defalcated Government money worth Rs.4,00,000/- vide Cheques No.177247, 177246 and 177243 by putting forged signature of the informant on the cheques in the official capacity.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.



Further submits that there is allegation in the FIR that altogether Ten Lacs Rupees has been withdrawn by the petitioner. As per allegation in the FIR out of Ten Lacs Rupees, Six Tacs has been withdrawn by forged signature of the informant and Four Lacs Rupees has been withdrawn by one Badri Paswan. Learned counsel for the petitioner submits that the informant has himself withdrawn Rs. Six Lacs which was dues for a work he was executed in the year 2019 and with respect to the rest amount Rs. Four Lacs, the same was withdrawn by one Badri Paswan against the work allotted to him in the year 2014-18. In view of the aforesaid, no amount is misappropriated as yet and merely on the basis of suspicion, the petitioner has been made accused in the present case. At the time of occurrence, the petitioner was Mukhiya of Gram Panchayat, Parsauni and she has no role at all in the present occurrence and she has bonafidely issued the cheque in question and it has come during investigation that all the cheques have been issued to the concerned persons and not a single amount has been misappropriated.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is



on bail in the said case.

6. Considering the aforesaid facts, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No.489 of 2022, (G.R.No.7695 of 2022), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 his/her criminal antecedents, 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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