

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51565 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- KORMA District- Sheikhpura

Premlata Devi Wife of Mithilesh Kewat @ Amit Kumar Resident of village -
Gangaur, P.s. - Korma, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Korma PS Case No. 52 of 2023, dated 13-03-2023 registered for the offence punishable under Sections 409 and 420/34 of the Indian Penal Code.

3. On the basis of inspection conducted with respect to certain earth filling work, laying of hume pipe, and paving of approach road, the Panchayat Secretary has lodged First Information Report (for brevity 'FIR') alleging that the works have not been executed, as per requirement, yet payments have been allowed under a conspiracy by the Managing Committee of the Ward Members, including the Ward Secretary, Mukhiya,



Technical Assistant and others.

4. The petitioner is the President of Managing Committee, as per submission of the petitioner's counsel. He further submits that by virtue of being a President of the Managing Committee, at best, the petitioner can be considered to be having a collective responsibility. The actual role is to be discharged by the government official in disbursement of funds, and lodging of the FIR by the Panchayat Secretary is on extraneous consideration and politically motivated. The instant case is a sequel to Korma PS Case No 51 of 2023, also lodged under similar circumstances.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the fact that the petitioner's role has not been defined in the FIR and the fact that she is a public representative, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, 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 the learned JM 1st class Sheikhpura, in connection with Korma PS Case No. 52 of 2023, dated 13-03-2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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