

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55212 of 2023

Arising Out of PS. Case No.-381 Year-2019 Thana- KESARIA District- East Champaran

PUSPA DEVI @ PUSHPA DEVI WIFE OF RAM NARESH THAKUR
RESIDENT OF VILLAGE - WARD NO.12, P.S. - KESARIYA, DISTRICT -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kesariya P.S. Case No. 381 of 2019 dated 3.8.2019 registered for the offences punishable u/s 406, 420 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have defalcated Rs. 7.93.810 lacs of the members of Kailash Jivika Mahila Sangathan which was given to her to deposit in the bank. The petitioner deposited only Rs. 2,15,000 and fled away with the said amount.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case due to ulterior motive. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is a poor lady and on account of poverty, she did not deposit the same amount. The petitioner has clean antecedent as stated in para 3 of the bail petition. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail.". The petitioner is in custody since 16.8.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. Learned APP has further submitted that the petitioner was granted provisional anticipatory bail in Cr. Misc. No. 35232 of 2021 with a direction to deposit Rs. 5.78 lacs in four installments within a period of four months in the court below which will be handed over to the concerned authorities. It is further directed that if the petitioner fails to deposit the aforesaid amount in the manner as indicated



above, the court below will be at liberty to cancel the provisional anticipatory bail granted to the petitioner but the petitioner did not obey the said direction of the Hon'ble High Court.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Kesariya P.S. Case No. 381 of 2019 with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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