

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54045 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- SINGHWARA District- Darbhanga

NOOR JAHAN KHATOON W/o Md. Islam @ Md. Israil R/o village-
Bhagwatipur, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner apprehends her arrest in connection
with Singhwara P.S. Case No. 37 of 2021 for the offence
registered under Sections 406 and 420 of the Indian Penal Code.

As per the prosecution story, the Panchayat Secretary
alleged in the FIR under “Har Ghar Nal Jal Yojna”, the
Government had transferred Rs. 9 lakhs on 18.03.2019 and Rs.
9,31,900/- on 28.05.2020 (total amount Rs. 18,31,900/-) from
the Panchayat Fund to the petitioner herein who was Chairman
of the Ward Implementation and Management Committee of
Ward No. 9, Panchayat Nista but she as also the secretary failed
to get the work completed and as such, cheated and defalcated



the aforesaid amount.

Learned counsel for the petitioner submits that due to Covid period, the work could not be completed and later the same Panchayat Secretary issued letter no. 3 dated 25.02.2022 (Annexure-4) addressed to the Block Development Officer, Singhwara, Darbhanga to show that the work has been completed and of the total withdrawal of Rs. 17,88,000/- work of Rs. 17,95,065/- has been done. He as such, submits that since the FIR is already there, she will be facing music but for the grant of anticipatory bail, in view of the fact that she do not have criminal antecedent, she deserves bail.

Learned APP for the State, on the other hand, opposes the prayer but concede that in view of the report submitted by the Panchayat Secretary, it seems that work has been completed.

Taking into account the fact that the Panchayat Secretary who was author of the FIR has subsequently issued letter addressed to the concerned BDO stating that the work has been completed (as stated in Annexure-4), the petitioner is a lady, do not have criminal antecedent and will be cooperating in the investigation and further will be diligent in appearing in trial, this Court is inclined to grant her anticipatory bail.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Darbhanga in connection with Singhwara P.S. Case No. 37 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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