

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54822 of 2022**

Arising Out of PS. Case No.-69 Year-2022 Thana- PARSAUNI District- Sitamarhi

ANISHA KHATOON Wife of Samiullah @ Md. Samiullah Resident of  
village - Dhurwar, Ward No.- 02, P.S.- Parsauni, District - Sitamarhi  
... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Madhubala Verma, Advocate  
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      23-01-2023                      Heard Mrs. Madhubala Verma, learned counsel for  
  
the petitioner and Mr. Jitendra Kumar Singh, learned counsel  
  
for the State.

The petitioner apprehends his arrest in connection  
with Parsauni P.S. Case No. 69 of 2022 for the offence  
registered under Sections 409 and 420/34 of the Indian Penal  
Code.

As per the prosecution story, the Panchayat Secretary,  
Raj Narain Singh lodged FIR stating that in the year 2019 under  
'PAYJAL NISCHAY YOJNA', Rs. 33, 20,000/- had been sent  
on 04.02.2019 and 11.08.2021 which was withdrawn by the  
Ward Member and Ward Secretary but the work was not done.  
Accordingly, he alleged that they defalcated the amount.

Learned counsel for the petitioner submits that she is  
a Ward Member and due to 'Covid-19', there was some delay in



execution of the work but subsequently the same was completed and information to this effect has already been given by the same informant to the SHO, Parsauni, Sitamarhi on 22.05.2022. (Annexure 2).

Learned APP for the State although submits that there has been allegation against the petitioner herein which also reflects in the case diary, he concedes that the Panchayat Secretary has now given certificate that the work has been done.

Taking into account the fact that a certificate has now been given by the informant on 22.05.2022 which is annexed as Annexure-2 to the petition, the petitioner is a lady, she do not have criminal antecedent, will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to grant her the privilege of anticipatory bail.

However, if it is found that the certificate of the Panchayat Secretary that the lady has attached as Annexure-2 is wrong, the present order shall become infructuous.

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, 1<sup>st</sup> Class, Sitamarhi in connection with Parsauni P.S.  
Case No. 69 of 2022, subject to condition as laid down under  
Section 438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Jagdish/-

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