

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58980 of 2023

Arising Out of PS. Case No.-174 Year-2017 Thana- MUSAHARI District- Muzaffarpur

Sheela Devi Wife Of Shambhu Bhagat Resident Of Village Mansahi Nawada,
Ps- Mushahari, Dist- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mushahari P.S. Case No. 174 of 2017 lodged under Section 406
of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against the petitioner with allegation that she was
working as treasurer of Jeevika Sanathan and committed breach
of trust by way of grabbing Rs.4,80,079/- being the treasurer of
the said account, with this allegation F.I.R. has been lodged.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that she is one of the member of Jeevika and the entire
accounts of Jeevika is being operated on the instruction of



President and General Secretary of the N.G.O. Counsel further submits that on the instruction of President and General Secretary, one person was appointed to maintain the account. Initially, one Rajiv Ranjan and another Mr. Ritesh Kumar was the person who used to enter all the entries in the account.

5. Counsel further submits that when the informant faulplay against her then she filed a complaint case bearing Complaint Case No. 2322 of 2017 before the Chief Judicial Magistrate, Muzaffarpur in which she has made accused to the said persons who used to manage the account, namely, Rajiv Ranjan, Ritesh Kumar, President- Rekha Devi and General Secretary- Nand Kumari Devi in which cognizance was taken against them, but all 4 persons were granted anticipatory bail by the court of competent jurisdiction.

6. Counsel further submits that petitioner is victim of this case and she is illiterate lady and only competent to put her signature. He submits that petitioner is in custody since 04.05.2023 having clean antecedent.

7. Counsel further submits that vide order dated 04.09.2023, case diary has been called for in this case. From the case diary, it transpires that investigation is still pending against the accused, namely, Rajiv Ranjan and Ritesh Kumar whereas



chargesheet has been filed against the present petitioner. Counsel submits that petitioner is law abiding citizen and ready to fulfill all the conditions whatsoever shall be imposed upon her. Counsel further submits that petitioner is actually victim of this case.

8. Learned counsel for the State opposes the prayer for bail and submits that in the F.I.R., the allegation of grabbing money of the N.G.O. is against the petitioner being the treasurer.

9. In the light of the case diary that chargesheet has been filed against the petitioner and investigation is pending against the 2 persons who used to maintain the account of Jeevika, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, East , Muzaffarpur, in connection with Mushahari P.S. Case No. 174 of 2017, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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