

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59586 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- AGRER District- Rohtas

Sairun Nisha W/O Md. Israiel Shah Resident Of Village- Baradih, P.S- Agrer,
Dist- Rohtas.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 406, 409, 420 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with other co-accused persons who are member of Ward Implementation are alleged to have involved in committing irregularities of the scheme of Gramin Pey Jal Nischay Yojna. The total estimated cost of that scheme was Rs. 14,73,500/- against which Rs. 12,99,500/- was transferred to the account of Ward Implementation but the work has not been completed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has



falsely been implicated in this case. It is also submitted vide para 11, 12 & 13 of the petition that as per the said scheme, the amount was deposited by the Govt. in the account of Mukhiya and Mukhiya transferred the same in the joint names of the Ward Member (secretary) of the committee and the Chairman. The work is being done at the instance of secretary of the committee and Mukhiya who were committed fraud and defalcated the amount taking undue advantage of old age of the petitioner and her illiteracy. The petitioner has no concern with the fraud and she has already submitted a representation before B.D.O., Sasaram on 7.9.2020 mentioning therein that Mukhiya and Gram Sevak have been taken amount from her account and they are not performing the work. The petitioner has also lodged a complaint case No. 85 of 2021 before filing the present FIR stated therein that Mukhiya and Gram Sevak embezzled the said amount and in support of this fact, Annexure-3 has been annexed with the petition. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that she is languishing in judicial custody since 11.10.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.



6. Considering the above facts and circumstances of the case as well as the petitioner is a lady and her period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Agrer P.S. Case No. 31 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sasaram at Rohtas.

(Sunil Kumar Panwar, J)

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