

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58485 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- KAKO District- Jehanabad

Rehana Khatoon Wife Of Mohmad Mustaq, Village- Bibipur, P.S.- Kako Dist-
Jehanabad, Presently W.N-6, Khalipur Panchayat, Kako Block Dist-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Fahad Khurshid, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending her arrest in connection with Kako P. S. Case No. 106 of 2022 registered on 06.06.2022 for the offences punishable under Section 409 of the Indian Penal Code.

3. According to the prosecution, there is allegation of payment of Rs.14,90,000/- (Rupees Fourteen Lakh Ninety Thousand) in the account of the contractor but the contractor has completed the work of Rs.10,64,039/- (Rupees Ten Lakh Sixty Four Thousand thirty nine) and grabbed Rs. 4,25,961/-(Rupees Four Lakh Twenty Five Thousand Nine Hundred Sixty One)-. Meaning thereby that case has been lodged for non-performance

of the work instead of taking the entire money against the contractor.

4. Learned counsel for the petitioner submits that petitioner was not initially accused in this case rather petitioner's name has come during investigation with the only allegation that without completion of work payment has been made and petitioner is one of the signatory in addition to the Panchayat Secretary. Counsel further submits that petitioner is a lady and basically her role in this episode is of whistle blower as she has final application vide Annexure-4 that work of installation of Nal under Nal-Jal Yojna was made by the contractor only in 85 houses instead of 175 houses. The contractor has shown his innocence to the villagers that it is due to the petitioner he is not in a position to complete the work and under pressure of the local villagers as well as Panchayat Secretary, she has signed the cheque and handed over to the Panchayat Secretary that upon verification of the work, the cheque may be released to the contractor but the Panchayat Secretary was in connivance with the contractor and without completion of the work, he has released the cheque, in result the contractor has not completed the work and taken the full and final amount. Counsel further submits that this matter was well

known to the officials and only due to this reason, the officials have filed FIR against the contractor only but it is the police who figured the name of the petitioner due to which the petitioner has apprehension of arrest in this case.

5. Learned APP for the State opposes the prayer for bail but admits that it is true that petitioner is not to only the person who is signatory of the cheque rather she is one of the signatory.

6. In the aforesaid facts and circumstances, let the above-named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 106 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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