

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58289 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

SUMITRA DEVI Wife of AShok Mukhiya @ AShok Kumar the then mukhiya of Adharpur Panchayat, resident of Village - Bath, P.s. - Ghanshyampur, Block- Gaura Bauram, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Sr. Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard Mr. Rajeeva Roy, learned Senior Counsel for the petitioner and the learned APP for the State

The petitioner apprehends her arrest in connection with Ghanshyampur P.S. Case No.141 of 2022 instituted under Sections 406, 409 and 420/34 of the IPC.

As per the prosecution story, having found irregularities in the execution of three projects the District Magistrate gave direction followed by lodging of the FIR by the Block Development Officer, Gaura Bauram, Darbhanga alleging that in the three projects of 08/2016-17, 01/2018-19, 02/2018-19 which was part of fourteen Planning Commission Projects, although payments were made, work were not done.

Learned Senior Counsel for the petitioner submits that the FIR is vague inasmuch as the details have not been



incorporated and the lady who at present does not hold the post, is not in possession of any paper to actually clarify whether the work was done or not. For a work of 2015-16, 2018-19, the FIR has been lodged in 2022 and given a chance, she is ready to explain everything.

Learned APP on the other hand opposes the prayer stating that despite payments made the work was not done.

Taking into account the fact that the petitioner is a lady, do not have criminal antecedent, presently is an Ex-Mukhiya, is ready to sit with the authorities and explain the things, this Court is inclined to grant her privilege of anticipatory bail with conditions that within four weeks from today she will be visiting the concerned office, will sit with the authorities and will try to explain her position. Further, she will be also appearing before the Investigating Officer as and when required.

Let the petitioner be released on bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) each with two sureties of the like amount each in connection with Ghanshyampur P.S. Case No.141 of 2022 to the satisfaction of



learned S.D.J.M., Biraul, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/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 his/her bail bond by the Trial court itself;

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

(iv) 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.

(Rajiv Roy, J)

Prakash Narayan /-

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