

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59595 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- BELA District- Sitamarhi

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1. KHAIRUN NISHA WIFE OF JABIR HUSSAIN R/O VILLAGE- GRAM PANCHAYAT RAJ MANPAUR, PS- BELA, DIST- SITAMARHI
 2. SHAHJAHAN KHATOON WIFE OF ALE MUSTAFA R/O VILLAGE- GRAM PANCHAYAT RAJ MANPAUR, PS- BELA, DIST- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-12-2023 Heard the parties.

2. Learned APP for the State filed a supplementary counter-affidavit in the present case. Let the same be accepted and kept on record.

3. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 409, 420/34 of the Indian Penal Code.

4. Allegedly, the petitioners are said to have defalcated Government fund.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. He submits that petitioners being the ward member and ward secretary of ward no.5 has constructed public drain work each of as per Measurement Book of Rs.17,71,749.51/- and Nal Yojana of Rs.14,00,917.64/- and as such from the perusal of all the M.B, it is apparent that the work of altogether Rs.27,72,667.15 has been done as against the money allotted in the joint account of Rs.29,34,885/- He further submits that a total of Rs.27,80,133.94/- has been withdrawn by the petitioners from the joint account for the construction of Pucca Nala and Nal-Jal Scheme out of which work of Rs.27,72,667.15/- has been completed and the work of Rs.7466.99 is pending. He further submits that the petitioners are ready to deposit the amount of Rs.7466.99/- in the concerned Department. Petitioners have no criminal antecedent.

6. Learned APP for the State opposed the prayer for anticipatory bail.

7. Having regard to the facts and circumstances of the case as the petitioners are ready to deposit the remaining amount, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bela P.S. Case No.35 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, the learned Court below is directed to accept the bail bond of the petitioners only after satisfying that the petitioners have deposited Rs.7466.79/- in the concerned Department. If the petitioners have not deposited the said amount, then there bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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