

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58988 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- KATEYA District- Gopalganj

Suganti Devi @ Suganati Devi, Wife of Late Paras Singh, Resident of
Village- Natwa, Block- Pach Deuri, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Devashish Giri, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Kateya P.S. Case No. 393 of 2022 registered for the offences punishable under Sections 406, 409, 420/34 of the Indian Penal Code.

3. The petitioner, who had allegedly elected Ward Member of Ward No.14 (village Natwa) of Gram Panchayat Raj Sikatiya under Panchdeori Block, Gopalganj was supposed to implement *Har Ghar Gali Nalli Pakkikaran Yojna and Payjal Nischay Yojna under Mukhyamantri Saat Nischay Yojna*. However, despite the work, having not been completed, the money was handed over to the contractor, which resulted into institution of the F.I.R. alleging therein that the petitioner along



with other in connivance with the contractor misappropriated the Government money, amounting to Rs.16,15,000/-.

4. Learned counsel appearing for the petitioner, while drawing the attention of this Court to the letter no. 204 dated 18.06.2022, which form part of the F.I.R., submits that from perusal of which it appears that prior to the institution of the F.I.R., the petitioner had already made a complaint against the contractor that despite having receipt of Rs.16,00,000/-, till date he has not completed the work and also requested to take action against him. He further submits that subsequent to the institution of the F.I.R., the Block Development Officer, Panchdeori also wrote letter to the S.H.O. Kateya, Gopalganj that now the work has already been completed proportionate to the amount disbursed. He next submitted that primarily the Ward Secretary is responsible for the disbursement of money and the petitioner is only one of the signatory of the cheques. Taking note of the aforesaid facts, the co-accused Arun Kumar, who happens to be the Ward Secretary of the concerned Ward has been allowed the privilege of regular bail by the learned coordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 46610 of 2023. That apart, the petitioner is a widow, having fair antecedent.



5. On the other hand, learned APP for the State opposes the bail application and submits that the connivance of the petitioner cannot be ruled out, as the materials available on record suggest her complicity.

6. Regard being had to the submissions made on behalf of the parties and considering the letter written by the Block Development Officer, Panchdeori to the S.H.O. Kateya stating therein that the entire work has been completed, coupled with the fact that the petitioner is a lady, having fair antecedent, let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/ production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 393 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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