

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66903 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- KONCH District- Gaya

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TAPESHWARI DEVI Wife of Suresh Paswan Resident of village - Chainpur
Tola Gango Bigha, P.S.- Konch, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 420, 406 and 120(B) of the Indian Penal
Code.

The case pertains to defalcation of government money
to the tune of Rs. 10,00000/- allocated towards the Rural
Drinking Water Project by the petitioner in collusion with others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that in
fact, the petitioner happens to be Ward Chairman of Gram
Panchayat, Kurmawan (Ward No.8) and according to the F.I.R.,
she is alleged to have defalcated the government money which



was allocated for the purpose of completion of work under the Rural Drinking Water Project. He further submits that measurement report of the project has already been submitted by the concerned Junior Engineer to the Block Development Officer, Konch but without being verifying the same, present F.I.R. has been instituted against the petitioner on the instruction of Panchayat Secretary of the said panchayat. He further submits the work under the project in question has been completed and in this regard the concerned B.D.O vide letter no. 123 dated 23.07.2022 communicated to the S.H.O, Konch stating therein that according to the measurement book, the work in question has been completed. He further submits that photographs of the complete work done is annexed to the Annexure-3 to this application. Moreover, the co-accused, namely, Sheo Poojan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.02.2023 passed in Cr. Misc. No. 58843 of 2022. The petitioner is rotting in judicial custody since 23.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Konch P.S. Case No. 11 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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