

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70093 of 2022

Arising Out of PS. Case No.-194 Year-2022 Thana- RAJAON District- Banka

-
1. Putul Devi, W/o Binod Mandal, R/o Village- Chilkawar (Ashota), P.S.- Rajoun, Distt- Banka.
 2. Nilesh Prasad @ Sri Nelesh Prasad, S/o Late Arun Yadav, R/o Village- Chilkawar (Ashota), P.S.- Rajoun, Distt- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 At the outset, it is submitted by learned counsel appearing on behalf of petitioners that petitioner no. 2, namely, Nilesh Prasad @ Sri Nelesh Prasad arrested during the pendency of the present bail petition and as such, same became infructuous.

Considering the submissions, as petitioner no. 2 arrested, the prayer of anticipatory bail with respect to petitioner no. 2, namely, Nilesh Prasad @ Sri Nelesh Prasad stands dismissed, as the same became infructuous.

Now the present bail petition is limited with regard to petitioner no. 1, namely, Putul Devi.

Heard learned counsel appearing on behalf of the



petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and apprehending her arrest in connection with Rajoun P.S. Case No. 194 of 2022 registered for the offences punishable under Section 409/34 of the Indian Penal Code.

The allegation against petitioner is to defalcate Rs. 14,98,200/- alongwith other co-accused persons/elected members of the ward, from the fund which was allotted for Nal Jal Scheme.

Learned counsel appearing on behalf of the petitioner submitted that out of allotted fund of Rs. 14,98,200/- admittedly work was executed for Rs. 12,28,842/- and still the work is under progress but in the meantime due to certain oblique motive, present case was lodged. It is submitted that out of 171 house, worked already executed with 148 houses which appears reciprocal to amount of Rs. 12,28,842/- and as such on face it is not appearing convincing that any amount appears to be defalcated in terms of allegation as raised through present FIR. While concluding the argument, it is submitted that petitioner is



a lady of clean antecedent.

Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as petitioner is a lady of clean antecedent, let above named petitioner no. 1, namely, Putul Devi, in the event of her arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate at Banka/concerned Court, where the case is pending in connection with Rajoun P.S. Case No. 194 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

