

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3721 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. SARWARI KHATOON Wife of Sheikh Faije Rasul Resident of village - Khanpura, P.O.- Pipra, Police Station - Maharajganj, District - Siwan.
2. Mobarak Hussain @ Mubarak Hussain Son of Jumarati Mian @ Jumarati Husain Resident of village - Sikatiya, Police Station - Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Maharajganj PS case no. 225 of 2022, registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

The allegation is regarding the petitioners having received a sum of Rs. 11,23,000/- and Rs. 13,41,800/- respectively for the purposes of executing *Nal Jal Yojana*, however, despite lapse of the last date for completion of the work, the work could not be completed, hence, it is alleged that the petitioners have misappropriated the amount in question.



The learned counsel for the petitioners submits that petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the petitioners are ready and willing to deposit the amount in question, alleged to have been misappropriated, however the same be made subject to the final outcome of the case in question.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are ready to deposit the aforesaid alleged misappropriated amount, I deem it fit and appropriate to direct the learned court of Additional Chief Judicial Magistrate-1st, Siwan in connection with Maharajganj PS case no. 225 of 2022 to admit the petitioners to the privilege of anticipatory bail, subject to the petitioners depositing the aforesaid amount of Rs. 11,23,000/- and Rs. 13,41,800/- respectively in the *Nazarat* of the learned civil court at Siwan and further subject to such other conditions, as



may be deemed fit and appropriate to be imposed by the learned trial court for the purposes of grant of bail.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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