

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3835 of 2023

Arising Out of PS. Case No.-16 Year-2021 Thana- SHRI NAGAR District- Madhepura

Kumari Nutan, D/o Shivnandan Prasad Yadav, W/o Shyamnandan Yadav, R/o
Tola Agadh, Mangarwara Panchayat, P.S- Srinagar, District- Madhepura
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The accused/petitioner is named in the FIR and apprehending her arrest in connection with Srinagar P.S. Case No.16 of 2021 registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

Allegation against the petitioner is to misappropriate the government funds and also of cheating as to withdraw her salary without marking her attendance in office/school.

It is submitted by learned counsel that the allegation as not to mark attendance in school register against petitioner is without any basis and same is only with oblique motive. It is pointed out that the narration of FIR is not supporting the ingredient of offence as alleged through FIR. It is



submitted that there is chain of litigation on this subject starting from 2013, where similar matter was referred to educational tribunal. It is further submitted that the recovery of salary as paid to petitioner i.e. Rs.13,45,013/- was stayed by this Court through CWJC No.642 of 2021 dated 10.03.2022. While concluding argument, it is submitted that petitioner is a lady of clean antecedent.

Learned APP for the State opposes the prayer for bail.

In view of the above-mentioned facts and circumstances, as recovery of payment is stayed by this Court, where petitioner is a lady of clean antecedent, accordingly, in the event of her arrest or surrender in the court below within a period of four weeks of this order, she 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 Judicial Magistrate-1st Class, Madhepura in connection with Srinagar P.S. Case No.16 of 2021, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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