

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73981 of 2022

Arising Out of PS. Case No.-135 Year-2019 Thana- SISWAN District- Siwan

PUNAM DEVI W/o Tuntun Kumar Singh R/v- Gangapur, Siswan, P.S.-
Siswan, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Siswan P.S. Case No. 135 of 2019 registered for the offences punishable under Sections 406/ 409/ 420/ 34 of the Indian Penal Code. Petitioner has got no criminal antecedent.

As per the prosecution story, the allegation against the petitioner is that she being a ward member and Sanjay Kumar Singh, ward member, in connivance with each other have withdrawn Rupees Three Lakhs from the account of ward Kriyanwayan and Prabhandan samiti through three cheques. It is further alleged that those cheques were issued to the individuals who did the work under the scheme but was unlawfully withdrawn by the ward member.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the withdrawal was in the name of Vikash Kumar and Sanjay Kumar and the petitioner has nothing to do with the alleged withdrawal. Later on, she informed to the BDO, Siswan about the embezzlement of fund but the FIR has been registered after much delay i.e. on 05.07.2019.

Mr. Parmeshwar Mehta, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, considering that the money has been withdrawn in the name of Vikash Kumar and Sanjay Kumar, the petitioner is said to have informed about the alleged withdrawal to the Block Development Officer, Siswan through her letter dated 29.05.2019 and inspite of the said information, the FIR has been lodged after much delay i.e. on 05.07.2019 wherein the name of the petitioner has also been implicated, this Court directs release of the petitioner above-named in the event of her arrest or surrender within a period of four weeks from today in connection with Siswan P.S. Case No. 135 of 2019 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five



Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 her 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.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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