

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.173 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- ADAPUR District- East Champaran

LALBUN NESHA W/o Md. Aslam R/o Sirsiyamal, P.S.- Nakardei, Distt-East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Ms.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Adapur Police Station Case No. 258 of 2022, dated
01.09.2022, disclosing offences under Sections 420/409/34 of
the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the petitioner, in connivance with the then Block
Development Officer, entered into a conspiracy to defalcate the
advance amount taken by M/s Janki Enterprises for the purpose
of execution of the Government work. It has further been
alleged that if the enquiry had not been conducted, the amount,
to the tune of Rs. 54,64,809/-, could have been misappropriated
by the accused persons.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and at the relevant point of time, she was the Pramukh of the concerned block. Relying on the First Information Report, he submits that form perusal of the First Information Report, it appears that the executing agency has returned a sum of Rs. 43,92,043/- in the account of the block and for the balance amount of Rs. 10,72,766/-, the work is in progress and the same is likely to be completed within five days. Accordingly, the submission is that the First Information Report has been lodged in hypothetical situation and the petitioner has not actually committed any fraud and/or misappropriated the Government money. The amount, which has allegedly been defalcated by the executing agency has already been returned by it and the proprietor of the executing agency, namely, Sachin Kumar Choubey, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 24.03.2023, passed in Criminal Misc. No. 74374 of 2022, as well as the then Block Development Officer, namely, Ashish Kumar Mishra, has also been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 02.05.2023, passed in Criminal Misc. No. 870 of 2023.



Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the amount allegedly defalcated has been returned by the concerned executing agency and other co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Lalbun Nesha, in the event of her arrest or surrender before the Court below within a period of four weeks from today, 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 Sub Divisional Judicial Magistrate, Raxaul, East Champaran, at Motihari, in connection with Adapur Police Station Case No. 258 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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