

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.503 of 2023

Arising Out of PS. Case No.-96 Year-2021 Thana- TEGHRHA District- Begusarai

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BINEETA DEVI @ VINITA DEVI WIFE OF RAM UDGAR SAHANI R/O
WARD NO. 1, CHILHAY, KHIZAR-CHAK, P.S.- TEGHRA, DIST.
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Teghra P.S.
Case No. 96 of 2021 registered for the offence under Sections 409
of the Indian Penal Code.

The petitioner is alleged to have defalcated the
government money which was allocated to her for the work
under the Nal Jal Scheme.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner happens to be a ward member of the panchayat in
question and according to the F.I.R., she has not completed the
work allotted to her under the scheme of Nal Jal Yojana nor she



has provided the certificate with regard to the amount spent in the said scheme. He further submits that the amount has been received by the petitioner in capacity of the President of Committee and the entire amount of Rs. 19,30,000/- was transferred by her in the account of M/s Subham Agro Center who was allotted the work of Nal Jal Scheme but it is the agency who had been allotted the work to be done has not executed the work within time and in this regard petitioner has sent several notices and reminders to the agency for completion of the work which could be evident from Annexures-4 and 5. Not only that the petitioner has also filed written complaint to the concerned police station but no complaint was instituted against the agency in question. He further submits that petitioner has no role to play in the alleged defalcation nor she happens to be the beneficiary of even a single rupee of the government fund. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner who is in judicial custody since 02.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial



Magistrate, Begusarai in connection with Teghra P.S. Case No. 96 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 his 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.

(Rajesh Kumar Verma, J)

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