

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11731 of 2024

Arising Out of PS. Case No.-2 Year-2021 Thana- DEWARIA District- Muzaffarpur

Kamini Devi W/o Sunil Kumar Pathak Resident of Village - Dharfari, P.S. -
Dewaria, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No. II, Advocate Mrs. Kumari Rupa, Advocate Mr. Bhubneshwar Mahto, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-04-2024 Heard learned Counsel for the petitioner and learned

APP for the State.

2. The petitioner apprehends her arrest in connection with Deoria P.S. Case No. 02 of 2021 for the offence registered under sections 409, 420 and 34 of the Indian Penal Code lodged on 04.01.2021 by the informant, Alok Kumar Shrivastava.

3. As per the prosecution story, the F.I.R. has been lodged by the Block Panchayat Raj Officer, Paroo, Munzaffarpur. It has been alleged that the petitioner being Chairman of the Implementation Committee siphoned off Rs.18 lakhs and allegation was that the work has not been done and the amount has been defalcated.

4. On the last occasion, 12.03.2024, a co-ordinate bench had directed the State to file counter affidavit.

5. Today, it has come and a copy has been served upon the learned Counsel for the petitioner and as per it, though at the time of the lodging of the F.I.R., the work was not done



now paragraph-7 read as follows:-

“7. That so far this petitioner is concern she has played very active role in aforesaid defalcation of Government money and after institution of F.I.R. work under scheme in question has been completed.”

6. The reply has been put on affidavit by Mr. Naveen Kumar serving as District Panchayat Raj Officer, Muzaffarpur.

7. Learned Counsel for the petitioner submits that she being lady will be co-operating in the investigation/will appear in the trial diligently.

8. Learned APP for the State submits that though at the time of the F.I.R., work was not done, now it has been completed.

9. Taking into account the aforesaid facts that work has now been completed, F.I.R. lodged, she will be facing the trial, she is a lady, no criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-1st



Class, Muzaffarpur (West) in connection with Deoria P.S. Case No. 02 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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