

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16471 of 2024

Arising Out of PS. Case No.-314 Year-2023 Thana- AWTARNAGAR District- Saran

Sazda Khatun @ Saida Khatun W/o Md. Naushad Ansari @ Naushad Ansari
R/o VILLAGE - MATHIYA, P.S. - AWATARNAGAR, DISTRICT - SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-03-2024 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner and Mr. Jitendra Kumar Singh,
learned APP for the State.

2. The petitioner is apprehending arrest in connection
with Awatarnagar P.S. Case No. 314 of 2023 instituted under
Sections 409, 406, 188 of the Indian Penal Code lodged on
1.11.2023 by the informant, Mritunjay Kumar.

3. As per the prosecution story, the Block Panchayat
Raj Officer-cum/Executive Officer, Saran has alleged that the
petitioner was allotted Rs. 11 lakhs for the work but on enquiry,
it was found that only work worth Rs. 1,72,450/- has been done
while amount of rest Rs. 9,27,550/- has been defalcated.
Accordingly, the FIR.

4. Learned Senior Counsel submits that being Ward



Secretary, the amount comes to the account but it is being used by the Ward Member and a Committee constituted for the said purpose. Further, she is ready to submit the entire details to the concerned State official for their satisfaction.

5. Learned APP submits that the appropriate Officer shall be the District Panchayat Raj Officer, Saran, Chapra where the petitioner can appear and show her bona-fide.

6. Considering the aforesaid submission of the learned Senior Counsel as also the State counsel, it would be appropriate that the petitioner appear before the District Panchayat Raj Officer, Saran, Chapra on 28.3.2024 at 3:00 P.M. whereafter the DPRO, Saran Chapra shall fix a date according to his own convenience. The petitioner will have to appear along with the documents to satisfy the State Officer on the amount that has been withdrawn, the work that has been done as also the rest of the money which remains and ultimately has to go the State exchequer.

7. Considering the aforesaid facts as also the time granted to her to appear before the District Panchayat Raj Officer, Saran, Chapra, a provisional bail of four months is being granted to her and if the certificate of 'the DPRO', Saran at Chapra is made available to her at the end of four months, the



concerned Court shall look into it and shall confirm the bail.

8. Let the petitioner be released on provisional bail for a period of four months in the event of her arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Awatarnagar P.S. Case No. 314 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(Rajiv Roy, J)

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