

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22593 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Inar Devi Wife of Hareram Yadav Resident Of Village And P.O. - Chikna, P.S.
- Ghoghardiha, District - Madhubani, Presently Ward Chairperson Of Ward
No.-9 Under Gram Panchayat Raj Chikana, Under Block Ghoghardiha,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 09-08-2024 Heard Mr. Jitendra Kumar Bharti, learned counsel for

the petitioner and Mr. Ram Priya Sharan Singh, learned APP for

the State.

2. The petitioner is apprehending her arrest in
connection with Ghoghardiha P.S. Case No. 73 of 2023, F.I.R.
dated 03.05.2023 registered for the offences punishable under
Sections 409, 420/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he did not
complete the work as per estimate and defalcated the
Government money.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has been falsely
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the petitioner was a Chairman of Ward No. 9 under Gram Panchayat Raj Chikana and it has alleged in the F.I.R. that the petitioner has taken advance amount of Rs. 15,00,000/- and as measurement book he has completed work only for Rs. 10,09,222/- and he has defalcated the Government amount to the tune of Rs. 4,90,778/-.

5. Learned counsel for the petitioner has filed a supplementary affidavit bringing on record the letter of Panchayat Secretary which suggests on the basis of measurement book that the petitioner has not misappropriated the Government money of the State Government.

6. In view of the aforesaid, last date the learned APP was directed to take instruction and inform this Court. The learned APP informs this Court that the Block Development Officer had given a letter to the learned Additional Public Prosecutor which suggests that the petitioner has completed the work in question and she has not misappropriated any Government amount.

7. Considering the facts and circumstances of the



case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, District-Madhubani in connection with Ghoghardiha P.S. Case No. 73 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) 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.

(Rajesh Kumar Verma, J)

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