

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36813 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

Sumitra Devi Wife of Subhash Singh Resident of Village- Sukulwan Khurd,
P.S- Gopalganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Sager Sharma
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 13-08-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the Informant, Pankaj Raj Anand.
2. Learned APP, Shri. Chandra Bhushan Prasad submits that the case has been instituted by the B.D.O, as such the Court made a query from Pankaj Raj that when informant is the B.D.O, then how come he is appearing on his behalf, on which learned counsel Pankaj Raj Anand submits that he is appearing on behalf of Firoj Alam, who was the initial complainant, but later realising his mistake seeks permission to withdraw from the case.
3. Permission is accorded.
2. The petitioner apprehends her arrest in a case



registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and has been falsely implicated in the instant case by the informant, who is the B.D.O. It is next submitted that informant alleges that the accused persons including the petitioner misappropriated government money.

4. Learned counsel for the petitioner further submits that petitioner, being ex-Mukhiya, came to be implicated in the instant case by the informant with an allegation that under the Nal Jal Yojna, an amount of Rs. 16 lakh was earmarked, out of which 14.38 lakh was withdrawn but then submits that from perusal of M.B book, it manifests that the work worth Rs. 14.38 lakh was completed, it is thus submitted that had a proper inquiry been conducted prior to institution of the FIR perhaps the FIR would not have been instituted but then the B.D.O in haste based on complaint of Firoj Alam instituted the instant FIR. It is also submitted that it is not the case of the prosecution that petitioner had withdrawn any amount. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove her innocence. It is also submitted



that Shailesh Kumar Gupta and five others had moved this Court seeking anticipatory bail by filing Cr. Misc No. 43433 of 2024 and the same was allowed by an order dated 29-7-2024.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalganj P.S. Case No. 328 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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