

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43515 of 2024

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

Reshma Devi Wife of Ram Prasad Yadav Resident of Village - Bisahariya,
P.O.- Chikna, P.S.- Ghoghardiha, District - Madhubani, Presently Ward
Chairperson of Ward No.- 4 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 Bharti, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 409, 420
and 34 of the I.P.C.

3. As per the prosecution case, the allegation against
the petitioner is that she has made defalcation and not completed
the work in *Jal Nal Yojana*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the work has already been completed and in this
regard, the Panchayat Secretary, Gram Raj Chikna has given a
certificate. He further submits that the antecedent of the
petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that from the rejection order, it is there that work has not been completed as per the estimate and defalcated Government money.

6. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on bail **provisionally** for a period of 90 days, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Jhanjharpur, District-Madhubani in connection with Ghoghardiha P.S. Case No. 73 of 2023, dated 03.05.2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. In the light of the contradictory submissions, the petitioner is directed to produce the proof of completion of certificate issued from the Office of D.D.C./B.D.O concerned authority of the District. Upon production of the said certificate before the Trial Court within 90 days from the date of release, the Trial Court shall pass order confirming the bail bond of the petitioner. But in case, no such certificate shall be produced by

the petitioner within the said period, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.

8. With this direction, the present bail application stands disposed of.

(Dr. Anshuman, J)

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