

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45505 of 2023

Arising Out of PS. Case No.-388 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Sharda Devi W/O Jagnarayan Ram R/O Village- Jagjiwan Nagar Jaso, P.S-
Buxar, Distt.- Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420 and 409 of the Indian Penal Code.

3. The allegation against the petitioner who is Secretary (Sacheev) of Kasturva Gandhi Girl's School, Jaso is that she along with the other co-accused persons have embezzled in total Rs. 8,69,480/- which came in the light on the basis of enquiry report dated 29.09.2021.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. No such occurrence as alleged ever took place. She has been falsely implicated in this case. The allegation levelled against



the petitioner is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Rukhsana Begum @ Rukhsana Khatoon has been enlarged on bail by a co-ordinate bench of this court vide order dated 04.08.2023 passed in Cr. Misc. No. 43596 of 2023. He further submits that the main accused was Lal Babu Mishra, the Headmaster of Middle Scholl, Jaso, who has withdrawn the said amount has deposited the said amount i.e., 8,69,480/- in Nazarat of Civil Court, Buxar. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Buxar (Mufassil) P.S. Case No. 338 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. as also to the following



conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be her own blood relation, preferably father, mother, brother & sister.

(iii) The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioner is made accused in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(Anjani Kumar Sharan, J)

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