

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62892 of 2023

Arising Out of PS. Case No.-440 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Smt. Indu Devi @ Smt. Indu Kumari @ Indu Kumari Wife Of Sri Jitendra
Kumar Resident Of Village - Brit Chakbara, Post Office - Bara Chakia, Police
Station - Pipra, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the State : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Karandeep Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Town P.S. Case No. 440 of 2023, F.I.R. dated
22.06.2023 for the offences punishable under Sections 419, 420,
465, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the benefit under
the Chief Minister Entrepreneur Scheme has been availed by the
accused persons by manipulating the documents and using false
vouchers rather than original vouchers.

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



bare perusal of the FIR it appears that there is no specific allegation of any fraud is attributed against the petitioner. He further submits that although there is allegation against the petitioner that he has committed fraud but from a bare perusal of the inquiry report it appears that there is no specific allegation of any fraud is attributed against the petitioner. He further submits that co-accused person namely, Md. Aftab Alam has been granted anticipatory bail vide order dated 19.10.2023 passed in Cr. Misc. No. 64132 of 2023 and co-accused person, namely, Radheshyam Paswan has also been granted anticipatory bail vide order dated 17.10.2023 passed in Cr. Misc. No. 63888 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Town P.S. Case No. 440 of 2023, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure and with other 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 shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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