

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74028 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- BABUBARHI District- Madhubani

SITA DEVI WIFE OF BINDI LAL SAHU @ VINDI LAL SAH RESIDENT
OF VILLAGE - FULBARIYA, WARD NO.6, POLICE STATION -
BABUBARHI, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest in connection with Babubarhi P.S. Case No. 124 of 2023 for the offence registered under sections 420 and 409 of the Indian Penal Code lodged on 16.05.2023 by the informant, Lalanji Thakur.

3. As per the prosecution story, the Panchayat Secretary has alleged that the petitioner has not given charge of cash register, plan register, pass book, cheque book and other documents to the newly elected ward member which clearly shows embezzlement.

4. Learned Counsel for the petitioner submits that she is ready to appear before the District Panchayati Raj Officer,



Madhubani with all the documents within a fortnight from today and only if he satisfied, a certificate given, she be granted relief. However, he submits that for appearing before the said officer, the lady needs provisional protection.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the fair submissions put forward by learned Counsel for the petitioner, it would be appropriate that the petitioner appear before the District Panchayati Raj Officer, Madhubani on 19-03-2024 at 3:00 P.M. whereafter the concerned officer will be free to fix date when the petitioner shall produce all the documents in support of her case. In case the concerned officer is satisfied, an appropriate certificate will be given by him so that the same is produced before the concerned court for the confirmation of bail.

7. For the present, it would be suffice that she is granted provisional bail for a period of three months within that period if she produces the certificate of the District Panchayati Raj Officer, Madhubani, the same shall be considered by the concerned Court and the provisional bail be confirmed and if she fails to submit the certificate, the provisional bail will come to an end after three months.



8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on provisional bail for a period of three months on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Additional Chief Judicial Magistrate-IIInd, Madhubani in connection with Babubarhi P.S. Case No. 124 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

9. Cr. Misc. No. 74028 of 2023 stands disposed of.

(Rajiv Roy, J)

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