

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73660 of 2023

Arising Out of PS. Case No.-210 Year-2019 Thana- SARMERA District- Nalanda

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SMT MOHAPATI DEVI @ MAHAPATI DEVI @ MOHPATI DEVI Wife of
Arun Ram @ Arun Kumar Ward Member of Ward No. 12 Gram Panchayat Raj
Husaina, Resident of Village - Sadaha, P.S.- Sarmera, District- nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 23-02-2024 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. The petitioner has renewed his prayer for bail in
connection with Sarmera Police Station Case No. 210 of
2019 registered under sections 406, 420 of the Indian
Penal Code.
3. This is the third attempt for bail on behalf of the
petitioner for grant of anticipatory bail inasmuch as
earlier the bail application of the petitioner was rejected
vide order dated 10.12.2020 in Cr. Misc. No. 24310 of
2020 and *vide* order dated 15.09.2021 passed in Criminal
Miscellaneous No. 48872 of 2021.
4. The allegation against the petitioner in the FIR is that a
sum of Rs. 10 lacs was allotted to the petitioner being the



ward member for execution of work under Nal Jal and Nali Gali Scheme in ward No. 12 of Husaina gram panchayat and after inquiry, it was found that the work has not been performed by the petitioner and the government money has been misappropriated and defalcated.

5. Learned counsel for the petitioner submits that the petitioner is lady and was ward member at the relevant point of time. The money is allotted in favour of Nal Jal Yojna Execution Committee. This Court, on the last occasion, directed the learned A.P.P. for the State to file counter affidavit and in pursuance thereof, a counter affidavit has been filed. Referring to para 7 of the counter affidavit, learned counsel submits that the petitioner has completed the work of the concerned scheme.
6. Regards being had to the submissions made by the parties and taking into consideration the statement made in the counter affidavit filed by the State that work of Nali Gali and Nali Gali Yojna has been completed and the petitioner is a lady, I am inclined to grant anticipatory bail to the petitioner.
7. Let the petitioner, Smt Mohapati Devi @ Mahapati Devi



@ Mohpati Devi, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Sarmera Police Station Case No. 210 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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