

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2829 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- SAHARGHAT District- Madhubani

Mithileshiya Devi Wife Of Parsuram Yadav @ Parushuram Yadav Resident
Of Village - Uttra Ward No.06, P.S. - Saharghat, District – Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Saharghat P.S. Case No. 216 of 2022 registered for the alleged offence under Sections 409, 420, 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner while working as Ward Member along with co-accused Secretary of the Panchayat, defalcated an amount of Rs. 8,70,448/- out of total sanctioned amount of Rs. 14,34,200/- for the work of Nal Jal Scheme of the Government.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is an illiterate lady and she made the



payment to one Shivganga Associates Pvt. Ltd. for completion of work but the said work was not completed by the Company within time and the Junior Engineer, in order to humiliate the petitioner, lodged this false case, though, subsequently, he has stated that total work of Rs. 14,12,105/- was completed out of sanctioned amount of Rs. 14,34,200/-, which is reflected from the rejection order of the learned lower court. Learned counsel further submits that the petitioner did not delay the work of Nal-Jal Scheme of the Government intentionally neither she cheated any one nor misappropriated any money of the Government. Learned counsel further submits that since almost all the work is completed, no offence as mentioned in the FIR is made out against the petitioner. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering completion of work for which the alleged measurement stated to have been made and on the basis of which the case was instituted against the petitioner and co-accused person, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from



today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Benipatti in connection with Saharghat P.S. Case No. 216 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

