

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3640 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Rambha Devi Wife of Nunu Rai Resident of Village-Bisahariya, PS-
Ghoghardiha, District-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Baleshwar Kamat, learned counsel for the

petitioner and Mr. Parmeshwar Mehta, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Ghoghardiha P.S. Case No. 73 of 2023 (G.R. No. 785 of 2023), F.I.R. dated 03.05.2023 for the offences punishable under Sections 409, 420 and 34 of the Indian Penal Code.

3. According to prosecution case, an advance amount of Rs.14,50,000/- was given to the petitioner to complete the work under Nal Jal Scheme in the ward no.3 as per the estimate in the *gram panchayat*. After measurement the same was found incomplete and Rs. 4,16,685/- out of advance Rs.14,50,000/- was defalcated by the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been



implicated in the present case merely on the ground that the petitioner is holding the post of chairman of the ward no.3 as well as chairman of the ward implementation committee. He further submits that due to some dispute the measurement of the work in question was not completed within the time and the present FIR instituted against the petitioner and other co-accused person. He further submits that from bare perusal of the *Annexure-2* it is clear that the petitioner has completed the entire work allotted to her under Yojana No.266 which manifests from perusal of the Measurement Book prepared and signed on 09.08.2023 by Technical Assistant (J.E.) Ghoghardiha, Madhubani which suggests that the petitioner has completed the work in question and the Technical Assistant has submitted a work completion certificate with that effect.

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

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



Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 73 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 his 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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