

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5749 of 2025

Arising Out of PS. Case No.-247 Year-2024 Thana- HARSIDHI District- East Champaran

Kalita Devi Wife of Akalu Ram Resident of Village - Bhada, Ward No. 08,
P.S. - Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr. Madhurendra Kumar, learned counsel
for the petitioner and Ms. Rita Verma, learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Harsidhi P.S. Case No. 247 of 2024, G.R. Case No. 2306 of 2024, F.I.R. dated 03.05.2024 registered for the offences punishable under Section 409 of the Indian Penal Code.

3. Allegation against the petitioner is that he has received Rs. 30,000/- as first instalment under the Indira Awas Yojana and has not constructed the Awas under the aforesaid Yojana.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner has received Rs. 30,000/-



as first instalment under the Indira Awas Yojna and has not constructed the work. Learned counsel for the petitioner further submits that the allegation is false and fabricated and in fact the petitioner has started the construction under the Indira Awas Yojna Scheme and she has annexed Annexure-P/2 which suggests that the constructed has been started by the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner has started the construction work under the Indira Awas Yojna, let the petitioner, above named, in the event of her 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 247 of 2024, G.R. Case No. 2306 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-



(1) 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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