

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29048 of 2025

Arising Out of PS. Case No.-393 Year-2023 Thana- MANSI District- Khagaria

Khushbu Devi @ Kushbu Kumari, Wife of Mithilesh Kumar, Resident of
Village- Chakhusaini, P.S.- Mansi, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State as well as learned Advocate for the informant.

2. The petitioner apprehends her arrest in connection
with Mansi P.S. Case No. 393 of 2023, registered for the
offences punishable under Sections 406, 409, 420, 468 and 34 of
the Indian Penal Code.

3. Based upon the written report the prosecution
alleges that the informant had opened a saving account in the
name of two daughters in Mansi branch of District Central
Cooperative Bank Ltd.. There was also a Daily Deposit Yojana
which was opened through the agent, co-accused Mithilesh
Kumar running in the name of the informant, as well as in the
name of his wife, Julie Kumari. Notwithstanding the maturity



of daily deposit yojana, the amount has not been credited in the saving account of the daughter's of the informant and it transpired that the co-accused person including the petitioner in connivance with Mithilesh Kumar, embezzled the total amount to the tune of Rs. 32,33,422/-

4. Learned Advocate appearing on behalf of the petitioner taking this Court through the FIR contended that admittedly the entire amount has been deposited through agent Mithilesh Kumar and specific allegation has been made that he in collusion with staffs of District Central Cooperative Bank Ltd., has misappropriated the amount in question. However, in the later part of the FIR it has been alleged that later on, when the informant visited in the bank, he came to know that the petitioner and others were also in collusion with the main accused, Mithilesh Kumar. In fact, the petitioner is none else, but the wife of Mithilesh Kumar and only on account of this fact, her name has been implicated in this case. Neither any amount has been received by the petitioner, nor deposited in the District Central Cooperative Bank Ltd. It has vehemently contended that even during the course of investigation the complicity of the petitioner has not come, save and except she being the wife of co-accused Mithilesh Kumar. All the more, the



petitioner is a lady having fair antecedent and undertake before this Court that she will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submits that the manner in which the informant was cheated and duped with more than 33,32,422/- clearly suggest that there are involvement of various other persons and the petitioner being wife of main accused, her complicity cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner of accepting any money from the informant and his family member or depositing in the District Central Cooperative Bank Ltd., coupled with the fair antecedent as also the fact that no incriminating material has come during the course of investigation, let the petitioner above named be released on bail, in the event of her arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Mansi



P.S. Case No. 393 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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