

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27532 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- SURYAPURA District- Rohtas

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1. Sudhawati Devi W/o- Manoj Kumar Gupta Resident of Village- Tekanpura Police Station-Suryapura District- Rohtas
 2. Sumitra Devi W/o- Ram Ayodhya Sah Resident of Village- Tekanpura Police Station-Suryapura District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. Learned counsel for the petitioners submits that during pendency of the bail application, petitioner no.2 has been arrested, therefore, her bail application has become infructuous. As such, counsel is not pressing the anticipatory bail application of petitioner no.2.

3. The petitioner no.1 is apprehending arrest in connection with Suryapura No. 263 of 2024 dated 04.09.2024 for the offence punishable under Sections 409 & 420 of the Indian Penal Code.

4. As per the prosecution, FIR has been lodged



against petitioner nos.1 & 2 against whom there is an allegation that they have withdrawn a sum of Rs.14,58,000/- (Rupees Fourteen Lakh Fifty Eight Thousand) under Nal-Jal-Yojna, but executed the work of Rs.9,98,291/- (Rupees Nine Lakh Ninety Eight Thousand Two Hundred Ninety One) and remaining amount of Rs.4,59,709/- (Rupees Four Lakh Fifty Nine Thousand Seven Hundred Nine) has been misappropriated by them.

5. Learned Counsel for the petitioner no.1 submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner no.1 is the ex-ward member and she has no criminal antecedent. Counsel submits that though, work has been alleged to be completed, but he has no proof in this regard and therefore, he submits that petitioner no.1 undertakes to this Court that she shall deposit Rs.4,59,709/- (Rupees Four Lakh Fifty Nine Thousand Seven Hundred Nine) to the Block Development Officer. Counsel further submits that petitioner no.1 is ready to deposit Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand) to the Block Development Officer at the time of surrender before the Trial Court and the rest amount i.e. 2,09,709/- (Rupees Two Lakh Nine Thousand Seven Hundred Nine), petitioner shall deposit in easy installments.



6. Learned APP for the State submits that the money has been embezzled, but if, petitioner no.1 is ready to deposit the amount in question, then a sympathetic view may be taken towards her in this regard.

7. Hence, considering the aforesaid facts and circumstances, let the above named petitioner no.1 namely, Sudhawati Devi, be released on **provisional bail** in the event of arrest or surrender before the Trial Court within a period of six weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas, in connection with Suryapura No. 263 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. It is directed to the petitioner no.1 that she shall provide the proof of deposit of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand) to the Block Development Officer at the time of surrender before the Trial Court as well as provide a document showing that the rest amount shall be deposited in three easy installments within one year.

9. It is made clear for the Trial Court that the bail



bond of petitioner no.1 shall be accepted provisionally and it shall be confirmed only after proof that all the money i.e. Rs.4,59,709/- (Rupees Four Lakh Fifty Nine Thousand Seven Hundred Nine) has been deposited to the Block Development Officer. And in case of failure of above conditions, provisional bail granted to petitioner no.1 by this Court shall be cancelled.

10. Accordingly, the present bail application is hereby disposed off.

(Dr. Anshuman, J)

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