

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86888 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Azeyya Khatoon @ Ayesha Khatoon @ Aesa Khatoon @ Aseyya Khatoon W/o-
Babudin Ansari Resident of Village- Semra Ward No 8 PS- Gopalganj, Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-01-2025 Heard Mr. Saurabh Kumar, learned counsel for the

petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the

State.

2. The petitioner apprehends her arrest in connection
with Gopalganj Nagar P.S. Case No. 276 of 2023 registered for
the offences punishable under Sections 409, 420, 120(B) of the
Indian Penal Code.

3. The prosecution story, in brief, is that a large number of
irregularities were found in “Nal-Jal Scheme” of the
Government in Ward Nos. 5, 8, 9 and 12 of Gram Panchayat
Raj, Semra.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.



No such occurrence as alleged has ever taken place. She has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. She is mere a ward member of Ward No. 8 of Gram Panchayat Raj, Semra and she has no role in the embezzlement of money. The custodian of the measurement book is Panchayat Secretary and the author of the said book is Junior Engineer. Petitioner has no role in preparing the measurement book, therefore, making an interpolation in the measurement book of withdrawal of the money by him is out of question. The said Government programmes were of the year 2017-18 and 2018-19 and after five years, the case has been lodged against the petitioner and others without any explanation for inordinate delay. It is further submitted that similarly situated co-accused have been enlarged on bail by different co-ordinate Bench of this Court. He further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail submitting that the prayer for anticipatory bail of the similarly situated co-accused has been rejected by this Bench. Hence, the petitioner does not deserve the privilege of anticipatory bail.



6. Considering the facts and circumstances of the case as well as the fact that the allegation of embezzlement of fund of exchequer of the government scheme against the petitioner is grave in nature, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner is female.

(Anjani Kumar Sharan, J)

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