

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85754 of 2024

Arising Out of PS. Case No.-81 Year-2021 Thana- AAYAR District- Bhojpur

Manju Devi W/o Rana Pratap Singh R/o village - Hadiyabad, P.S. - Ayar,
Distt. - Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Akash Kumar Mishra, Advocate Mr. Anil Kumar, Advocate
For the Informant	:	Mr. Anand Vardhan, Advocate Mr. Shubhangi Pandey, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Mr. Akash Kumar Mishra, the learned counsel for the petitioner, Mr. Anand Vardhan, the learned counsel appearing on behalf of the informant and Mr. Parmeshwar Mehta, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Ayar PS Case No. 81 of 2021, FIR dated 14.07.2021, registered for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, under 14th and 15th Finance Commission several construction works were done at village Hadiyabad under four schemes and during the course



of inquiry, irregularities were found in all the four schemes. It is alleged that the petitioner along with other co-accused persons have embezzled the public fund provided for the construction work.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case, in fact, petitioner is the mukhiya of Gram Panchayat Ichari, Block- Girhani and due to village politics she has been been implicated in the present false case. He further submits that the police after investigation has submitted the final form in favour of the petitioner, but the learned trial Court differing with the final form has taken cognizance against the accused persons including the petitioner on 01.02.2023. He lastly submits that the co-accused persons namely, Vinod Singh @ Vinod Kumar has been granted the privilege of anticipatory bail by this Court *vide* order dated 29.11.2023 passed in Cr. Misc. No. 75807 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, police



after investigation has submitted the final form in favour of petitioner and a similarly situated co-accused person has been granted the privilege of anticipatory by this Court, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-VII, Bhojpur at Ara, where the case is pending in connection with **Ayar PS Case No. 81 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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