

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89708 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- HARLAKHI District- Madhubani

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Binita Devi W/O Indra Kumar Yadav R/o village - Phulparas , ward no. 7,
P.s.- Harlakhi , District - Madhubani. Petitioner is a ward member of ward
No.-7 Phulhar or Gram Panchayat Raj Phulhar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav
		Mr. Vinod Kumar, Advocates
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Gagandeo Yadav, learned counsel for the

petitioner and Mr. Parmeshwar Mehta, learned APP for the

State.

2. The petitioner is apprehending her arrest in
connection with Harlakhi P.S. Case No. 234 of 2023, F.I.R.
dated 23.08.2023 registered for the offences punishable under
Sections 420, 409, 34 of the Indian Penal Code.

3. Allegation against the petitioner is that she has
misappropriated an amount of Rs. 51,000/- (Fifty One
Thousand) for the work of Nal Jal 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 the petitioner is a Ward member of Ward No. 7 of Gram Panchayat Phulhar and the allegation as alleged in the F.I.R. is false and fabricated. Although, the petitioner has received the amount in question for the completion of work in question and the petitioner has completed the work in question to the tune of Rs. 13,44,048/- (Thirteen Lakhs Forty Four Thousand and Forty Eight) out of Rs. 13,95,000/- (Thirteen Lakhs and Ninety Five Thousand). Learned counsel for the petitioner submits that the petitioner is ready to return the amount of Rs. 51,000/- (Fifty One Thousand) in the account of Block Development Officer, Harlakhi.

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 she has completed the work to the tune of Rs. 13,44,048/- (Thirteen Lakhs Forty Four Thousand and Forty Eight) as mentioned in the M.V. Book and petitioner is ready to return the amount of Rs. 51,000/- (Fifty One Thousand) in the account of Block Development Officer, 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, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 234 of 2023, 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 is directed to produce a demand draft of Rs. 51,000/- (Fifty One Thousand) in favour of Block Development Officer, Harlakhi at the time of furnishing her bail bond.

(2) 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.

(3) 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.

(4) 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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