

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42103 of 2026

Arising Out of PS. Case No.-43 Year-2023 Thana- KOTWA District- East Champaran

1. Ramsawari Devi, W/o Hirdaya Paswan Resident of village and P.O.- Pakri Ashok, P.S.- Pipra, Distt.- East Champaran
2. Sanjay Kumar, S/o Nageshwar Jha Resident of village and P.O.- Pakri Ashok, P.S.- Pipra, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kotwa P.S. Case No.43 of 2023 registered for the offences under Sections 409, 420 of the Indian Penal Code.

3. The allegation against the petitioners is that they, along with others, have defalcated an amount of Rs.4,69,895/- which was allotted under Nal jal Yojana of the government to execute the work in Gram Maharani Bhopat, Block Kotwa, East Champaran.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case, as there



was no intention on the side of the petitioners to defalcate any amount. It has further been submitted that it was on account of certain issues that the work could not be completed, however, in March, 2026, this year, the informant has given a no objection certificate stating that the entire work has been completed, and the measurement book was also submitted on account of which the no dues certificate was issued, which has been brought on record by way of Annexure-2. It has been submitted that other co-accused persons have also been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 36524 of 2026 vide order dated 15.06.2026 as also in Cr. Misc. No.40102 of 2026 vide order dated 22.06.2026. It has next been submitted that on account of such facts the petitioners now deserve anticipatory bail and they have clean antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail and has submitted that the petitioners have absconded for the said period.

6. Considering the facts and circumstances of the case and taking into account that the work has been completed now and the amount which was released for such work has now been confirmed to be utilized by the certificate granted by the panchayat secretary, let the petitioners above named be released



on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Kotwa P.S. Case No.43 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.



7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

manoj/-

U		T	
---	--	---	--

