

(2014) 05 PAT CK 0015

In the Patna High Court

Case No : Criminal Miscellaneous No. 20362 of 2014

Kiran Devi @ Smt. Kiran Devi

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 07-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)

Penal Code, 1860 (IPC) — Section 120B, 420

Prevention of Corruption Act, 1988 — Section 10, 8, 9

Citation : (2014) 05 PAT CK 0015

Hon'ble Judges : Jitendra Mohan Sharma, J

Bench : Single Bench

Advocate : N.K. Agrawal, Sr. Advocate, Advocate for the Appellant; Kedar Singh, Spl. PP, Advocate for the Respondent

Judgement

Jitendra Mohan Sharma, J.—Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is apprehending her arrest in a case registered under Sections 420, 120B of the Indian Penal Code and Sections 8/9/10 of the Prevention of Corruption Act.

3. Allegedly the petitioner and other co-accused in collusion and conspiracy with each other embezzled the amount of MGNREGA scheme by fabricating documents and after getting information a raid was conducted and then from the house of the co-accused Navin Kumar @ Navin Kumar Paswan several job cards, passbooks and other incriminating documents have been recovered and seized as per the seizure list.

4. The learned counsel for the petitioner seeks the privilege of pre-arrest bail of the petitioner placing her innocence, false implication and submitting that nothing has been recovered from either conscious possession of the petitioner or from her house, She is Mukhiya since 2011 of Gram Panchayat Farkha, no member of the Panchayat have ever made any complaint against her, the

petitioner has been made victim of the circumstances, the petitioner was not aware as to under what circumstances seized documents were kept in the house of Navin Kumar @ Navin Kumar Paswan. The petitioner is not at all concerned with the crime. She is also not concerned with the recovery of applications form for Electronic Muster Roll, regarding Dairy Entrepreneur Development in the name of Reena Devi and Dulari Devi, it is submitted that there is no such scheme in Gram Panchayat so signature of petitioner has got no relevance. The petitioner has not embezzled any amount of MGNREGA scheme and no document was fabricated by her and moreover she being a lady deserves sympathetic consideration.

5. The learned law officer of vigilance has opposed the prayer of pre-arrest bail by submitting that over some of the documents which were recovered from the house of Navin Paswan @ Navin Kumar Paswan there are signatures of the petitioner also and she being Mukhiya of the Gram Panchayat is also responsible.

6. Considering the submissions and going through the FIR, impugned order, record and noticing that nothing has been recovered from the possession of the petitioner, to maintain the register relating the scheme, there is Panchayat Rozgar Sevak appointed by the Government and further considering the gender of the petitioner she namely Kiran Devi @ Smt. Kiran Devi be released on anticipatory bail in case of her arrest or surrender within a period of one month from today before the court below on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Learned Special Judge, Vigilance II, Patna in connection with Special Case No. 18 of 2014 arising out of Sabour P.S. Case No. 14 of 2014, subject to the conditions laid down u/s 438(2) of the Cr.P.C.