

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2770 of 2015

Arising Out of PS.Case No. -10 Year- 2013 Thana -JOKIHAT District- ARRARIA

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1. Sadique Alam @ Md. Sadique Alam son of Mobinul resident of village-
Masuria, P.S.- Mahalgaon, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 29-06-2015 Heard learned counsel for the petitioner,

learned Additional Public Prosecutor for the State and

learned counsel appearing for the informant.

The petitioner apprehends his arrest in
connection with Jokihat P.S. Case No. 10 of 2013
registered under Sections- 467, 468, 469, 420 of the Indian
Penal Code.

Admittedly, the present case was lodged by the
present Mukhiya against the Ex-Mukhiya and it is alleged
that the petitioner, being Ex-Mukhiya, in collusion with other
officials, withdrew huge amount for execution of Scheme
Nos. 1/2009-10 & 2/2009-10 but did nothing and defalcated
the government money.



Learned counsel for the petitioner submits that the present case has been lodged on account of political rivalry and that too, after three years of the execution of the concerned scheme. It is also pointed out by him that Jansewak, at the direction of concerned BDO, visited the place and found soil and bricks though the I.O. in course of investigation, came to conclusion that no work was done. Learned counsel for the petitioner further submits that as a matter of fact, the I.O. was in collusion with the informant who carries inimical terms with the petitioner.

On the other hand, learned counsel appearing for the informant, vehemently, opposed the prayer pointing out that in course of investigation, almost all the witnesses have stated that the work, in question, had not been done by the petitioner and other accused.

Considering the facts and circumstances of the case as well as submission of the parties, particularly, taking note of Annexure-2 to this petition, let the petitioner named above, in the event of his arrest or surrender within four weeks from the date of receipt/production of copy of the order in the court below, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of

the like amount each in connection with Jokihat P.S. Case No. 10 of 2013 to the satisfaction of Learned Chief Judicial Magistrate, Araria subject to conditions as laid down u/S 438(2) of the Code of Criminal Procedure.

(Hemant Kumar Srivastava, J)

A.K.V./-

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