IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51500 of 2016

Arising Out of PS.Case No. -213 Year- 2014 Thana -COMPLAINT CASE District- ARRARIA

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Md. Azad @ Md. Hussain Azad, Son of Md. Noori, resident of Village Rampur Budheshwari, P.S. and District- Araria.

.... Petitioner

Versus

1. The State of Bihar.
2. Md. Idris, Son of Late Dost Mohammad, resident of Chakai, P.S. Jokihat District- Araia.

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Md. Ziaul Quamar, Advocate
For the Opposite Party : Mr. Sri Lakshmi Kant Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 19-12-2016 Heard learned counsel for the petitioner as well as learned counsel for the State.

In this application for anticipatory bail, the petitioner apprehends his arrest for the offences punishable under Sections 323, 379, 420, 120B of the Indian Penal Code.

Allegedly, the petitioner demanded Rs. 10,000/- and the complainant gave him Rs. 3,000/- for issuing B.P.L. card and when the complainant asked about his *Indira Awas*, the petitioner and others abused and ousted him from the office and gave a threat that the amount of *Indira Awas* will be paid to other beneficiaries and the petitioner

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issued the amount in favour of another Rahbar Alam, son of Idris who is resident of ward no. 12 and who is not the B.P.L. card holder rather he is a A.P.L. card holder and his serial no. is 1941, thereby committed cheating.

Submission is of false implication and that the petitioner has committed no offence, he has falsely been implicated in this case, the petitioner is the clerk in the Block Office, he has never demanded any amount nor received any amount, all the allegations are false and concocted and as such petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the complainant opposes the prayer for bail by submitted that this petitioner managed the *Indira Awas* allotment to another person who is not the B.P.L. card holder rather he is a A.P.L. card holder.

In the facts and circumstances stated above considering that the informant himself entered into an illegal agreement and has already paid Rs. 3,000/- and thereafter he knocked the door for his grievance, petitioner Md. Azad @ Md. Hussain Azad, in case of his arrest or surrender before

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the Court below within four weeks from the date of receipt/ production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Araria in complaint case no.213C of 2014 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Jitendra Mohan Sharma, J.)

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