

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45450 of 2016

Arising Out of PS.Case No. -314 Year- 2012 Thana -KADWA District- KATIHAR

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1. MD. PARVEZ ALAM @ MD. PERWEJ ALAM, son of Late Md. Ibrahim
 2. Muntasir Khan, son of Late Moinuddin Khan
 3. Mashroof Khan, son of Late Moinuddin Khan
 4. Junaid Alam @ Junaid @ Juned, son of Jamaluddin, all resident of village Parliya, P.S. Kadwa, District Katihar
 5. Md. Barik @ Barik, son of Kutubuddin, resident of village Sarliya Taiyyabpur, P.S. Kadwa, District Katihar
 6. Mamun Rashid, son of Late Ganimul Haque,
 7. Md. Tauhid Alam, son of Late Salimuddin
 8. Md. Noor alam @ Noor Alam, all 6 to 8 residents of village Sarliya, P.S. Kadwa, District Katihar
 9. Hasibur Rahman, son of Late Nasiruddin, resident of village Sarliya Taiyyabpur, P.S. Kadwa, District Katihar
 10. Abdul Razzak @ Abdul Razzaque, son of Late Basiruddin, resident of village Bholadangi, P.S. Kadwa, District Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-10-2016

Heard learned counsel for the petitioners

and learned APP for the State.

Petitioners apprehend arrest in connection with Kadwa P.S. Case No. 314/12 for offences alleged under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

Allegation is that for getting diesel subsidy petitioners and others submitted forged diesel bill of M/s Rani Sati Diesel Centre, Sonaili.

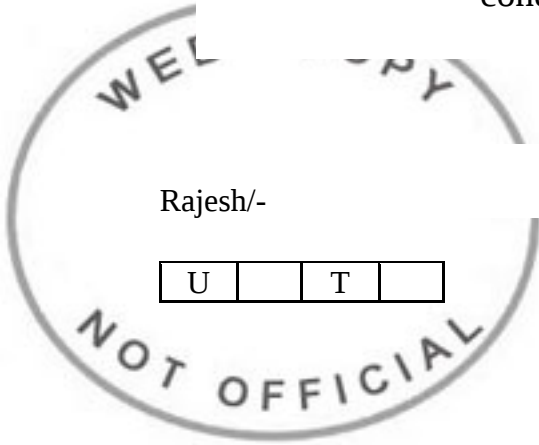


It has been submitted by the learned counsel for the petitioners that they are innocent, poor farmers and have falsely been implicated in the aforesaid case. He submits that, in fact, an enquiry was conducted by the District Agriculture Officer, Katihar on 13.02.2013 and by Memo No. 1706 dated 12.12.2013, Annexure-2, wherein it was found that the First Information Report was lodged on account of human error. He further submits that none of the petitioners have received even a penny on account of diesel subsidy, as such, no case of misappropriation is made out against them.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since no subsidy has been released and the District Agriculture Officer has not supported the prosecution case, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-4th, Katihar, in

connection with Kadwa P.S. Case No. 314/12, subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Nilu Agrawal, J.)