

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25532 of 2017**

Arising Out of PS.Case No. -115 Year- 2016 Thana -SALKHUA District- SAHARSA

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FAROOQUE AHMAD @ FAROOQUE AZAM, S/O - LATE MD. SIDDIQUE, RESIDENT OF VILLAGE - BHADA, P.S. - SOUR BAZAR, DISTRICT - SAHARSA, AT PRESENT R/O SAHARSA BASTI, P.S. + DISTT - SAHARSA.

..... PETITIONER/S

VERSUS

THE STATE OF BIHAR.

..... OPPOSITE PARTY/S

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with

**Criminal Miscellaneous No.29302 of 2017**

Arising Out of PS.Case No. -115 Year- 2016 Thana -SALKHUA District- SAHARSA

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RAKKI AHMAD @ RAKKI ALAM @ MD. RAKKI AHMAD, S/O-MOJIBUDDIN, RESIDENT OF VILLAGE-BHADA, P.S.-SOUR BAZAR, DISTRICT-SAHARSA, SAHARSA RICE MILL, CHIKNI CHOWK, SOUR BAZARM, P.S. SOUR BAZAR, P.S. SOUR BAZAR, DISRICT-SAHARSA.

..... PETITIONER/S

VERSUS

THE STATE OF BIHAR

..... OPPOSITE PARTY/S

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**Appearance :**  
(In Cr.Misc. No.25532 of 2017)  
For the Petitioner/s : Mr. Nafisuzzoha, Advocate.  
For the Opposite Party/s : Mr. Sri Rajballabh Singh  
(In Cr.Misc. No.29302 of 2017)  
For the Petitioner/s : Mr. Nafisuzzoha, Advocate  
For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

3      12-09-2017                      Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection



with Salkhua (Banma Itahari) P.S. Case No. 115 of 2016, registered under Sections 406 and 409 of the Indian Penal Code.

The allegation of informant, Viveka Nand Rai, is that in the light of the order of District Manager, B.S.F.C., Saharsa, he was appointed as in-charge of Paddy Purchase Centre, where Arshad Firoj was the Manager, while the informant showed his inability to perform the work as the In-charge of Purchase Centre but on assurance of Arshad Firoj that all work will be done by Vijay Kumar, Executive Assistant, Purchase Centre, with the help of petitioners and one Nakvi Ahmad, who are closed to Arshad Firoj and he is only required to put the signature on different papers. Accordingly, paddy was purchased at the Purchase Centre and Vijay Kumar, Assistant Executive of Purchase Centre disclosed that 17201.60 quintal paddy has been purchased but there is no Godown for keeping the same and there is no Gunny bags also for keeping the paddy. Thereafter, informant came to know that the purchase paddy has been misappropriated by Arshad Firoj, Manager and Vijay Kumar, Assistant Executive of Purchase Centre, under the conspiracy of petitioners and Nakvi Ahmad.

Learned counsel for the petitioners submits that, in fact, Arshad Firoj, Manager of Purchase Centre, B.S.F.C., has filed the Salkhua P.S. Case No. 223 of 2014 for the offence, under



Sections 409 and 420/34 of the Indian Penal Code, against the informant of the present case and Vijay Kumar, Assistant of Purchase Centre, due to that reason the present case has been lodged with false allegation by the informant.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Saharsa, in connection with Salkhua (Banma Itahari) P.S. Case No. 115 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

**(Rajendra Kumar Mishra, J)**

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