

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41978 of 2017

Arising Out of PS.Case No. -66 Year- 2002 Thana -KHAJAULI District- MADHUBANI

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Israrul Haque @ Md. Israrul Haque, Son of Late Md. Kasima, resident of
Village-Geedarganj, P.S.-Andhra Tharhi, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 19-12-2017 Heard both sides.

The petitioner apprehends his arrest in connection with Khajauli P.S. Case No. 66 of 2002, registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

The Block Development Officer, Khajauli alleged that the petitioner was entrusted with money after being appointed as an agent for execution of different schemes. The petitioner received about Rs. 3,00,000/-, but he did not complete the work. It is alleged that the petitioner did not complete the work worth Rs. 1,09,000/-.

Learned Counsel for the petitioner submits that the petitioner deposited the entire amount in the Treasury and he has not defalcated or misappropriated a single penny. Even after deposit of money, the police submitted charge-



sheet against the petitioner, who is a government servant, working as Panchayat Secretary in Kutauna block as well as in Madhepur block. It has also been submitted that the police never search the petitioner, but it appears from the perusal of the case diary as well as from the order of the learned Sessions Judge that the petitioner earlier moved for his anticipatory bail before the learned Sessions Judge *vide* A.B.P. No. 236 of 2002, which was rejected. Even, thereafter, the petitioner did not appear before the Court. The police after investigation submitted charge-sheet against the petitioner, showing him as an absconder.

Considering the fact that the petitioner is an absconder, I am not inclined to enlarge him on anticipatory bail. The same is, accordingly, rejected.

If the petitioner, above named, surrenders before the court below, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

Praveen-II/-

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