

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38724 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

- =====
1. Md. Nakib Alam, S/o- Md. Rafi Ahmad @ Md Rafi Alam, resident of village- Bhada, P.S.- Sour Bazar, District- Saharsa, Saharsa Rice Mill, Chikni Chowk, Sour Bazar, P.S. Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation through its District Manager, Saharsa,
3. Nikhil Kumar, son of Kedar Pd. Singh, resident of village-Raipur, P.S.- Bakhtiyarpur, District- Saharsa.

.... Opposite Party/s

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With

Criminal Miscellaneous No.23835 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

- =====
1. Md. Rakki Ahmad @ Md. Rafi Ahmad, S/o Mojibuddin, resident of village- Bhada, P.S.- Sour Bazar, District- Saharsa, Saharsa Rice Mill, Chikni Chowk, Sour Bazar, P.S. Sour Bazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation through its District Manager, Saharsa.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.38724 of 2017)

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

Mr. Niraj Kumar, Advocate

Mr. Pramod Mishra, Advocate

Ms. Rashmi Jha, Advocate

(In Cr.Misc. No.23835 of 2017)

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

Mr. Harish Kumar, Advocate

Mr. Pramod Mishra, Advocate

Ms. Rashmi Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

8/ 18-12-2017

Heard learned counsel for the petitioners and learned



APP for the State.

Petitioners apprehend their arrest in **Bakhtiarpur P.S. Case No.26 of 2017** instituted for the offence under Section(s) 406, 420, 120-B, 504/34 Indian Penal Code pending in the Court of the **Chief Judicial Magistrate, Saharsa.**

There is allegation in the Complaint Petition that, as per direction of the government, the informant, who is PACS Manager, made agreement on 10.06.2015 with the petitioner and paddy weighing 1600 quintal worth Rs.26,56,000/- was given to the accused persons for preparation and supply of rice, but both the accused persons with common intention after making conspiracy on 23.11.2015 accused Md. Nakib Alam (petitioner of Cr. Misc. No.38724 of 2017) prepared power of attorney in the name of Md. Rakki Ahmad @ Md. Rafi Ahmad (petitioner of Cr. Misc. No.23835 of 2017) and they did not return the rice and misappropriated the money. The informant also sent Pleader's notice on 28.09.2015 then accused persons gave threat on 21.12.2016. They abused and insulted the informant.

Counsel for the Informant has pointed out the letter written by the father of this petitioner admitting the receipt of the paddy as mentioned in the Complaint Petition with undertaking to repay the amount. The aforesaid letter was written by



petitioner Md. Rakki Ahmad @ Md. Rafi Ahmad (petitioner of Cr. Misc. No.23835 of 2017), who is father of Md. Nakib Alam (petitioner of Cr. Misc. No.38724 of 2017), which is at page 15 of the brief as part of the First Information Report.

In the circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioners for grant of anticipatory bail is rejected.

Petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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