

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62587 of 2017

Arising Out of PS.Case No. -368 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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1. Nazir Ahmed S/o Late Khaja Bazlur Rahman, R/o Belwa, P.S. &
District- Kishanganj. Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 23-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Kishanganj PS case no. 368 of 2017 registered
for the offences punishable under Sections 409, 420, 468, 120B of
Indian Penal Code.

The case of the prosecution is that the petitioner was
the *Mukhiya* of *Belwa Panchayat* and when the advance money,
for getting the work done with regard to a particular project was
released, the *Panchayat Secretary* had got the materials
accumulated at the place where the construction was to be made,
however he was transferred to Thakurganj block and during the
interregnum period, the material was stolen by thieves. In nutshell,
the sum and substance of the allegation is that the petitioner along



with the *Panchayat Secretary* have taken an advance of about Rs. 27 lacs and thereafter, have not completed the work.

The learned counsel for the petitioner submits that the responsibility whatsoever was of the *Panchayat Secretary* to complete the work and the petitioner has been an accused in the present case only on account of the fact that he is a signatory to the document by which the advance amount was facilitated to be given to the *Panchayat Secretary*. Nonetheless, the learned counsel for the petitioner submits that for securing the privilege of anticipatory bail, the petitioner is ready to deposit a sum of Rs. 5 lacs. The petitioner is stated to be having a clean antecedent.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail subject to deposit of a sum of Rs. 5 lacs before the *Nazarat* of the concerned court.

Accordingly, it is directed that the petitioner would surrender in the court concerned within six weeks and show the proof of deposit of the aforesaid amount of Rs. 5 lacs whereupon he shall be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Kishanganj PS case no. 368 of



2017 subject to the conditions as laid down under Section 438(2)
of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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