

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25859 of 2018**

Arising Out of PS. Case No.-40 Year-2017 Thana- GOGRI District- Khagaria

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1. Azad Alam, Son of Khaliluddin,
  2. Kadir Alam @ Kadir Ali, Son of Abdul Rahman.
  3. Kashmiri Khatoon, D/o Kalamuddin @ Kalimuddin.
  4. Sonam Praveen, D/o Murtuza Rahi.
  5. Ali Masum Ali @ Ali Masum Rahi, Son of Murtuza Rahi.
  6. Md. Sarfaraz Alam, Son of Md. Quiyamuddin.
  7. Md. Azhar @ Md. Azhar Ali, Son of Rizwan M
  8. Murtuza Rahi, Son of Abdul Zabbar
  9. Shakil Ahmad, son of Md. Shamsheer Ahmad, All are resident of Village- Rampur, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

ORAL ORDER

3      10-07-2018              Heard learned counsel for the petitioners and learned APP  
for the State.

Petitioners apprehend their arrest in Gogari P.S. case no.  
40 of 2017 instituted for the offence under Section(s) 409, 420,  
467, 468 and 471 of the Indian Penal Code.

In the written report, it is alleged that some of the  
ineligible persons were recommended in the list of flood  
affected beneficiaries. They have been given Rs. 6000/- as  
flood reliefs. The petitioners are the persons among them who  
have received the aforesaid amount. It is further submitted that



petitioners came to know about the fact that they have been wrongly sanctioned the amount of flood relief by the administration. Thereafter they have returned the entire amount. This fact has been mentioned by the petitioners in para no. 8 of the bail petition. It has been stated in aforesaid para that all the petitioners except petitioner no.9 have deposited the amount received by them in Treasury of Anchal Adhikari Gogri through Nazir receipts as mentioned in detail in para 8 of the bail petition. It is further submitted that all other co-accused persons of this case with similar allegation have already been granted anticipatory bail by Co-ordinate Bench of this Court vide order dated 8.6. 2017, 6.7.2017 and 21.9.2017 passed in Cr. Misc. Nos. 20388 of 2017, 24343 of 2017 and 46564 of 2017.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Gogari P.S. case no. 40 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM, Khagaria, subject to the conditions as laid down under Section



438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

**(Sanjay Priya, J)**

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