

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11560 of 2018

Arising Out of PS. Case No.-296 Year-2017 Thana- GHOSI District- Jehanabad

Md. Sabir, Son of Late Gulam Nabi, Resident of Mohalla- Makhdumbad, PS
& Distt.-Jehanabad at Present Assistant Ratni Faridpur Anchal, P.S.-
Shakurabad, District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinu Kumar & Mr. Arvind Kumar Sharma,
Advocates

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Ghosi P.S. case no.
296/17 instituted for the offence under Section(s) 420 and 409
of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner was posted as Nazir in the aforesaid block. He has no
role in issuing cheque and withdrawing the money on the basis
of cheque from the Bank. The B.D.O has issued cheque in
favour of Dharmendra Kumar which has been encashed from
Punjab National Bank, Ghosi by Dharmendra Kumar himself
and thereafter story has been created for non payment of Rs.
five lakhs. It is further submitted that Dharmendra Kumar was



paid only Rs. 1,25,000/- by the BDO Ghosi, in place of Rs. 6,25,550/-.

Learned counsel for the petitioner has submitted that in the enquiry report itself it is mentioned that case has been instituted against the petitioner on account of charge nos. III, IV and VI. Learned counsel for the petitioner has drawn attention of the Court to the enquiry report of the D.D.C. which is part of the F.I.R. wherein the D.D.C. in the concluding part of the report has stated that role of B.D.O. is doubtful in the entire payment. But in the instant case BDO has not been made party and the petitioner, who is Nazir, has been made accused. He has already been dismissed from the service on such ground. It is also pointed out that in discussion with regard to the allegations made in charge no. VI against the petitioner, the enquiry officer has raised suspicion against the conduct of the informant himself rather than the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Ghosi P.S. case no. 296 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned S.D.J.M. Jehanabad, 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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

The District Magistrate, Jehanabad will hold proper enquiry with regard to role of the informant of this case in the entire occurrence and submit report to this Court within two months from the date of receipt of this order. The District and Sessions Judge, Jehanabad will communicate order of this Court to District Magistrate, Jehanabad.

(Sanjay Priya, J)

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