

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38186 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -CIVIL LINE District- GAYA

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Md. Aftab Alam, S/o Md. Zafar, resident of village- Gandey, P.O. & P.S.- Gandey & District- Giridih (Jharkhand), presently posted as Head Assistant, District Welfare Office, Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Jaipuriyar, Advocate
Mr. Anshuman Jaipuriyar, Advocate
Miss Anukriti Jaipuriyar, Advocate
For the Opposite Party/s: Mr. Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 14-08-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Civil Lines P.S. Case No.90 of 2018** instituted for the offence under Sections 406, 409, 420, and 120B/34 of the Indian Penal Code.

Counsel for the petitioner has submitted that petitioner was working as in-charge Head Assistant in the office of the District Welfare, Gaya. There is no allegation against the petitioner that he has taken any money or committed embezzlement. Counsel for the petitioner has pointed out (Annexure-5). He has stated that file relating to scholarship matter and other files were put up before the District Welfare Officer directly ignoring the petitioner. It is alleged that out of six cheques



amounting to Rs.2,28,13,750/-, five cheques were issued by Rakesh Kumar Ranjan and one cheque was issued by Dhiraj Kumar who was the In-charge of the transaction of scholarship. Sri Pramod Kumar, Nazir, was custodian of the cheques of the scholarship account. The District Welfare Officer was authorized to put signature on those cheques. The petitioner had no role at any point of time for withdrawal of the amount of scholarship as alleged in the written report.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Civil Lines P.S. Case No.90 of 2018**, 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 learned **Chief Judicial Magistrate, Gaya**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his



bail bond 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.

S.Ali/-
Rohit Kr.

(Sanjay Priya, J)

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