

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70269 of 2018

Arising Out of PS. Case No.-328 Year-2017 Thana- BAHERA District- Darbhanga

Md. Shamshad Alam, Son of Late Md. Kari, Resident of Village- Raghopur,
Tola-Chharapatti, P.S.- Manigachi, District- Darbhanga.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate
For the Opposite Party	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 28-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 409, 467, 468, 471 and 420 of the Indian Penal Code registered in connection with Bahera P.S. Case No. 328 of 2017.

3. It is submitted that the petitioner, who merely happens to be the supplier of the materials in connection with various schemes launched under 13th Finance Commission, has been falsely implicated on the allegation of excess withdrawals of Rs. 21,10,000/- by manipulation of five cheques aggregating to Rs. 3,10,000/-. It is submitted that payments in question have duly been sanctioned and the cheques in question were directed to be paid by order of the co-accused Md. Geyasuddin, the then Mukhiya of Gram Panchayat Raj, Devram, Amaithi (Annexure-2 series). Similarly, cheques have been issued under the joint signatures of the Mukhiya and co-accused Pawan Kumar Paswan , the then Panchayat Secretary and no manipulation



appears to be found on the face of the cheques (Annexure-7 series). The *Aam Sabha* in its meeting held on 29.11.2015 had authorized for payments in respect of the said schemes (Annexure-9). The petitioner's case stands on better footing than the then Panchayat Secretary Pawan Kumar Paswan who has been granted anticipatory bail vide order dated 03.05.2018 passed in Cr. Misc. No. 26326 of 2018. The petitioner is also accused in a case of different nature in which he is on bail.

4. Learned APP appears and opposes the anticipatory bail petition on the basis of the case diary.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Benipur, Darbhanga in connection with Bahera P.S. Case No. 328 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions –

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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