

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7639 of 2020

Arising Out of PS. Case No.-196 Year-2019 Thana- ALAMNAGAR District- Madhepura

1. AZAD ALI S/O- Lal Mohammad Resident of Village - Sukhar Ghat, P.S. - Alamnagar(Ratwara), District - Madhepura.
2. Alam Khan S/O- Lilku Ali Ward Member, Resident of Village - Sukhar Ghat, P.S. - Alamnagar(Ratwara), District - Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners apprehend arrest in Alam nagar (Ratwara O.P.) PS Case No. 196 of 2019 registered under Sections 406, 409, 467 and 468 of the IPC.

The allegation in the FIR is that Ward Secretary and Ward Member, petitioner Nos. 1 and 2 respectively, in collusion with Ward Member, Ward Secretary, Junior Engineer and other officials have committed irregularities in construction of drainage under the government schemes and thereby defalcated government money.

Learned Counsel for the petitioners submits that the



allegation is false. No specific role has been assigned to the petitioners to suggest that the petitioners in any way were responsible. In fact even amount of defalcation has not been specified. The government officials were responsible for certifying the work and payments. The petitioners have been made escape goat. Accused Nos. 1 and 2 have earlier been allowed anticipatory bail in Cr. Misc. No. 81734 of 2019.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM Udakishunganj, Madhepura in Alamnagar (Ratwara O.P.) PS Case No. 196 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

