

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24250 of 2020

Arising Out of PS. Case No.-423 Year-2020 Thana- MADHEPURA District- Madhepura

MOHAMMAD EJAZ ALAM Son of Md. Yunus Resident of Gandhi Path,
Ward No. 8, P.O. and P.S. - Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvendra Kumar Verma, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-12-2020 Heard Mr. Sarvendra Kumar Verma, learned counsel
for the petitioner and Mr. Damodar Prasad Tiwary, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner apprehends arrest in connection with
Madhepura P.S. Case No.423 of 2020 registered for the offences
punishable under Sections 406 and 420 of the Indian Penal
Code, 1860.

The allegation as per the First Information Report
lodged by Md. Kabir, District Programme Officer (ICDS),
Madhepura, alleging therein that on the basis of quotation
submitted by the petitioner, who is Proprietor of Golden Printing
Press, the order was given to him for Bala Painting at the
Anganbadi Centres and for supply of flexes. It has further been



alleged that work related to Bala Painting was to be done in the allocated amount of Rs.20,000/- for Anganbari Centre in inner and outer wall of the Anganbari Centres, multicolor paintings of domestic and wild animals, vegetables, fruits etc. It has also been alleged that during course of enquiry, it was found that the flex measuring 8' x 4' was actually 3 inches less and also in place of 220 GSM, 120 GSM has been used and in place of black media, white media flex have been supplied and further in case of Bala Painting, multicolour paintings of domestic and wild animals, fruits, flowers, geometrical shape counting child friendly different types of adorable figures as made available by the directorate was required to be done, but the aforesaid agency, did not comply the same and in relation to which, an enquiry was conducted and according to the report of Anganbari Centres, work of estimated expenses of Rs.2000-3000 was assessed to be done in place of allocated amount of Rs.20,000.

Learned counsel for the petitioner submits that petitioner is a registered firm and engaged in business of printing and supply of stationery who was awarded a work order by District Programme Officer, Madhepura, for supply of flex as well as Bala Painting at various Angabari Centres under ICDS Scheme. Learned counsel submits that the petitioner has



supplied the flex as well as completed the printing work as per specification and the petitioner has submitted bills of Rs.8,25,000/- for supply of flex and Rs. 5,20,000/- for Bala Painting before the concerned authority.

Learned counsel further submits that after verification of the work done by the petitioner and on the basis of Certificate issued by the competent authority, that the petitioner has completed the work, a sum of Rs. 9,99,600/- was transferred to the bank account of the petitioner by the District Programme Officer, Madhepura.

Learned counsel referring to Annexure-9, submits that surprisingly, petitioner received a Letter bearing No.813/ICDS dated 28th March, 2020 issued by the District Programme Officer, Madhepura, alleging therein that the flex supplied by the petitioner were actually three inches less in size and instead of black media flex, white media flex have been supplied. The letter further says that in the case of Bala Painting, the required specification was not adhered to by the petitioner and accordingly, the District Programme Officer directed the petitioner to return the amount of Rs. 10,20,000/- which was credited into his bank account.

Learned counsel further submits that vide Annexure-



10, the petitioner served a legal notice dated 01.06.2020 through his Advocate upon the District Programme Officer, Madhepura, demanding the balance amount towards the work done by the petitioner inasmuch as out of the total work performed by the petitioner worth of Rs.13,45,000/-, a sum of Rs.99,600/- only was credited in the account of the petitioner.

Learned counsel also submits that after the legal notice was served upon the District Programme Officer, the present FIR has been lodged against the petitioner without any basis.

Learned counsel referring to paragraph 21 of the case diary submits that the Sevikas of different Anganbari Centres have confirmed that work of Bala Painting was properly executed by the petitioner and they have appended their signature.

On the other hand, learned counsel for the State submits that the case diary is not complete and investigation is still going on. Learned counsel further submits that some of the witnesses have said that the petitioner has not adhered to the required specification at the time of execution of the work.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am



inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 423 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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