

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3992 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- GURARU District- Gaya

MD. NASIM @ NASIM MIYAN @ MD. NASIM MIYAN, son of late Kasu
Miyan Resident of village- Basaratpur, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 02-11-2021 Heard Mr. Vinod Kumar, learned advocate for

the petitioner and Mr. Mr. Ram Priya Sharan Singh,

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Guraru P. S. Case No. 51 of
2020, dated 04.05.2020, instituted for the offences
under Sections 406, 409, 420, 467 and 468 of the
Indian Penal Code.

The accusation in the F.I.R. is that though a
cheque of Rs. 80,000/- only was issued towards
execution of a project of the Government under the
name of Nal Jal Yojana but fraudulently, interpolation



was made in the cheque and an amount of Rs. 8 lakhs was withdrawn. That amount was credited in the Bank account of the firm belonging to the petitioner which was entrusted with the task of executing the work. Even the work, according to the allegation, has not been executed.

The learned advocate for the petitioner has submitted that an absolutely false accusation has been levelled against him. The cheque had been issued by the Ward Member and for some reason or the other there has been an accusation that the cheque amount had been interpolated. This is wrong, as the cheque in question was seized by the police and an opinion of the Branch Manager was taken. The physical copy of the cheque disclosed that it was issued for an amount of Rs. 8 lakhs which was very clear in the figure as well as in the words.

The further investigations revealed that more than 75 % of the work under the Scheme has been done



and only 25 per cent of the work is now left to be done.

The learned advocate for the petitioner has further submitted that assuming but not admitting that more than the fixed amount was credited in his account, he cannot be blamed for the same for the reason that he was asked to execute the work, which he has done and for which money has been credited in his account. Even the accusation of tampering with the cheque amount has not been substantiated during the course of investigation.

Regard being had to the afore-stated submissions, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Guraru P. S. Case No. 51 of 2020 in connection with learned



Chief Judicial Magistrate, Gaya, subject to the conditions
as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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