

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24182 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

Md. Irfan Alam, S/O Qamrul Alam, R/O Mohalla-Agarwa, P.S.- Motihari,
District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 17-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Kundwa Chainpur P.S. Case no. 55 of 2020 instituted for
the offence under Sections 406 and 409 of the Indian Penal
Code.

As per allegation in the FIR, the informant being ward



member of Panchayat Balua Gua Bari gave Rs. 10,25000/- through cheque to the petitioner for doing pipe work as well as installation of water tank under Nal Jal Scheme but the petitioner has not complete the work and he has defalcated the said amount.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has falsely been implicated in this case. He has got no criminal antecedent. The petitioner is being the proprietor of R.K. Enterprises, supplied materials of total Rs. 11,07,754/- to the informant under the said scheme, out of which he received only Rs. 10,25,000/- from the informant. The instant case is lodged against the petitioner only to grab the balance amount by the informant as commission of supplying goods. This petitioner has never entered into any contract in writing with the informant for completing the work under any Government Scheme.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Kundwa Chainpur. P.S. Case no. 55 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM – 5, Sikrahna at Dhaka, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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