

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34620 of 2022

Arising Out of PS. Case No.-453 Year-2021 Thana- JOKIHAT District- Araria

Nazish Baligh @ Md. Nazish Baligh Son Of Anwar @ Mohammad Anwarul
Haque R/O Village- Girda, P.S.- Jokihat, District- Araria Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 420, 409/34 of
the Indian Penal Code, in connection with Jokihat Police
Station Case No. 453 of 2021.

The FIR has been lodged by the informant Block
Education Officer, Jokihat alleging that the petitioner and one
Smt. Sarvari Khatoon, the then Secretary were allotted Rs.
36,83,000/- for construction work against which Rs. 33,14,700/-
were withdrawn and work valued Rs. 22,82,727/- was done.
Accordingly, it has been alleged that Rs.10,31,700/- was
misappropriated by the accused persons.

Learned Senior Counsel submits that the informant
jumped at the conclusion before the entire work could be



executed and chose to lodge FIR resulting into the judicial custody of the present petitioner since 19.9.2021. His further submission is that the work was going on and the same was likely to be completed by those who were assigned the same job. He, by way of supplementary affidavit has brought on record the certificate issued by the Assistant Engineer, Bihar Education Project, Araria dated 4.7.2022 to show that for the said Rs. 33,14,700/-, the work has been finally completed. He as such submits that in the said background, the petitioner deserves bail.

Learned APP on the other hand submits that there is allegation of misappropriation of Rs. 10,31,700 although, he concedes that in view of the supplementary affidavit filed by the counsel for the petitioner and the certificate issued by the Assistant Engineer, Bihar Education Project, Araria, it seems that the work has now come to an end.

Considering all the aforesaid facts including the certificate issued by the Assistant Engineer, Bihar Education Council, Araria and the period of custody of the petitioner (19.9.2021) as also that the charge-sheet has already been submitted, this Court is inclined to grant him the privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Araria, in connection with Jokihat Police Station Case No. 453 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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