

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44709 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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MD. IRFAN ALAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Wasi Akhtar

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-07-2022 Heard learned counsel for the petitioner and the State.

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. 12 Lakh through cheque to the petitioner for supplying equipment and materials for doing pipe work as well as installation of water tank under Nal Jal Scheme but the petitioner has not supplied the required materials and thus 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. The petitioner being proprietor of R.K. Enterprises, supplied materials of total Rs. 12,06,369/- to the informant under the said scheme, out of which he received only Rs. 12 Lakh 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, in support of his submission learned counsel for the petitioner has annexed the GST bills in his name (Annexure-2 to the supplementary affidavit). 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 six 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 SDJM, Sikrahna at Dhaka, East



Champaran, subject to the conditions as laid down under section
438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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