

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14148 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- PARSAUNI District- Sitamarhi

TARIK ANWAR @ MD. TARIK ANWAR @ MD. TARIQUE ANWAR S/O
KHALIK ANSARI R/v- Dhurwar, P.S.- Parsauni, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard Mrs. Madhubala Verma, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for

the State.

The petitioner apprehends his arrest in connection with Parsauni P.S. Case No. 69 of 2022 for the offence registered under sections 409 and 420/34 of the Indian Penal Code lodged on 04.05.2022 by the informant, Raj Narain Singh.

As per the prosecution story, the Panchayat Secretary, Raj Narain Singh lodged FIR stating that in the year 2019 under 'PAYJAL NISCHAY YOJNA', Rs. 33, 20,000/- had been sent on 04.02.2019 and 11.08.2021 which was withdrawn by the Ward Member and Ward Secretary but the work was not done. Accordingly, he alleged that they defalcated the amount.

Learned counsel for the petitioner submits that he is a Ward Member and due to 'Covid-19', there was some delay in execution of the work but subsequently the same was completed



and information to this effect has already been given by the same informant to the SHO, Parsauni, Sitamarhi 22.05.2022. (Annexure 2).

Learned APP for the State although submits that there has been allegation against the petitioner herein which also reflects in the case diary, he concedes that the Panchayat Secretary has now given certificate that the work has been done.

Taking into account the fact that a certificate has now been given by the informant on 22.05.2022 which is annexed as Annexure-2 to the petition, he do not have criminal antecedent, will be cooperating in the investigation and will ultimately face the trial, this Court is inclined to grant him the privilege of anticipatory bail.

However, if it is found that the certificate of the Panchayat Secretary that the petitioner has attached as Annexure-2 is wrong, the present order shall become infructuous.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate, 1st, Sitamarhi in connection with Parsauni P.S. Case No. 69 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 reason will entail cancellation of his bail bond by the Trial court itself;

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

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(Rajiv Roy, J)

Jagdish/Neha/-

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