

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47433 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- BIDUPUR District- Vaishali

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JAFAR SIDHQUE @ ZAFAR SIDDIQUE, Son Of Md. Hakim @ Abdul Hakim Ansari Village- Mansurpur P.O.- Chaksikandar Ward No-1, P.S.- Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-08-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. At the outset, learned counsel for the petitioner seeks permission to make necessary correction in paragraph No. 10 and 18 of the instant criminal miscellaneous petition, in course of the day.
3. Permission is accorded.
4. Petitioner seeks regular bail in connection with Bidupur P.S. Case No. 137 of 2023 dated 03.03.2023 registered for the offence(s) punishable under Section(s) 406, 420 read with Section 34 of the Indian Penal Code.
5. The main submissions advanced by learned counsel Mr. Ashhar Mustafa, appearing for the petitioner are that the



petitioner has been made scapegoat in respect of the alleged misappropriation of government fund of Rs. 11,50,000/- which was sanctioned for PCC work in Ward No. 1, where the petitioner was posted as Ward Secretary (*Ward Sachiv*) at the time of the sanctioning of the said amount and in respect of the said allegation, Block Development Officer inquired and submitted his report vide Annexure-3 in which he recommended disciplinary and legal action against the then *Mukhiya*, then ward members, informant and then Junior Engineer for the alleged wrong of not completing the work for which the alleged amount was sanctioned and the name of this petitioner did not find place in the said recommendation, in fact initially a sum of Rs. 3,50,000/- was credited in the account of WIMC on 30.12.2020 and on the same day the said amount was transferred through Cheque No. 837532 dated 30.12.2020 in the bank account of M/S Interior Makers, Anwarpur, Hazipur, maintained by the husband and son of the then *Mukhiya* Juhi Parvin and similarly a sum of Rs. 8,00,000/- was credited in the account of WIMC on 09.02.2021 and again on the same day the said amount was transferred by the then *Mukhiya* Juhi Parvin through cheque No. 837533 dated 09.02.2021 in the above-mentioned bank account maintained by her husband and son.



Further submissions are that the petitioner has been languishing in jail since 06.03.2023 having fair and clean antecedent and against him the investigation has been completed.

6. Learned APP Mr. Parmeshwar Mehta appearing for the State has opposed the prayer for bail.

7. Considering the above submissions and mainly taking into account completion of investigation against this petitioner and also his custody period and the fact that as per inquiry conducted by Block Development Officer, some government officials and public representatives remained involved in the alleged wrong of misappropriation of government funds, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bidupur P.S. Case No. 137 of 2023.

(Shailendra Singh, J.)

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