

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44998 of 2023

Arising Out of PS. Case No.-255 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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IMTEYAZ AHMAD @ IMTIYAZ AHMAD @ MD. IMTEYAZ S/O NOOR
MOHMAD R/O Village- Benibad, P.S- Gaighat (Benibad O.P), Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 24.08.2022 seeks
bail, in connection with Gaighat P.S. Case No.255/2021, dated
29.07.2021, for the offences punishable under Sections 409, 406,
120B of the IPC.

3. According to prosecution case, Rs.16,50,000/- was
transferred in the account of the petitioner and co-accused namely
Hassan Ekbal under Yojna No.01/2019-2020 under Chief Minister's
Nal-Jal Yojna to provide drinking water to the people of ward no.17
but despite repeated warning and notices sent by the concerned
officer to the petitioner and co-accused, the petitioner failed to
complete the working and embezzled the government money
amounting to Rs. 16,50,000/- without executing any work.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is Secretary of Ward Implementation and Management Committee of ward no.17 of Gram Panchayat Raj Kanta Pirauchha, North Gaighat, Muzaffarpur and the petitioner is one of the co-signatory of the cheque in question and without completion of work in question, the petitioner and co-accused have used the money. He further submits that in the present occurrence, there is no role of the petitioner and the petitioner and co-signatory have issued the cheque in favour of the contractor and there is no allegation against that the petitioner that he and other co-accused have failed to complete the work in question and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.08.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail after framing of charge, if not framed, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Kanchan Yadav, J.M.1st Class, East Muzaffarpur in connection with Gaighat P.S. Case No.255/2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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