

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49235 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- KAKO District- Jehanabad

AFROZ ALAM Son of Ahmed Hussain Resident of village - Khalispur, P.S. -
Kako, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paritosh Parimal, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-10-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kako P.S. Case No.106 of 2022, F.I.R. dated 06.06.2022 registered for the offence punishable under Sections 409 of the Indian Penal Code.

3. The prosecution case, in short, is that petitioner and other accused persons have to completed the work to the tune of Rs.10,64,039/- and rest amount of Rs.4,25,961/- misappropriated by the contractor and the other accused persons including the petitioners. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his



name has been transpired in this case. Further submits that out of rs.14,90,000/- work of worth rs. 10,64,039/- was performed and rest amount of Rs.4,25,961/- cash was deposited in the account of ward fund of ward no.-6 under gram Panchayat Khalishpur. He further submits that similar situate co-accused person, namely, Rehana Khatoon has been granted privilege of anticipatory bail vide order dated 13.09.2023 passed in Cr. Misc. No.58485 of 2023 by co-ordinate bench of this Hon'ble Court.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner, but fairly submits that it appears from the supplementary affidavit filed by the petitioner that the rest amount of Rs.4,25,961/- cash was deposited in the account of ward fund of ward no.-6 under gram Panchayat Khalishpur.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 Sub-Divisional Judicial Magistrate, Jehanabad in



connection with Kako P.S. Case No.106 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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