

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57826 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- CHIRAIYA District- East Champaran

MD. TAUKIR ALAM Son of Md. Yasin Resident of Village-Senuwariya,
P.S.-Chiraiya, District-East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr.Abhishek Kumar, learned counsel for the

petitioner and Mr.Parmeshwar Mehta, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chiraiya P.S. Case No.356 of 2022, FIR dated 04.08.2022 registered for the offences punishable under Sections 406,409,420 of IPC.

3. The prosecution case, in short, is that on 04.08.2022, in the informant Shashibhushan Pandey (Panchayat Sachiv) submitted written report before Officer-in-charge of Chiraiya P.S. alleging therein that for work under Nal Jal Yojna in Ward No.1 and 14, Rs. 13,55,300/- and Rs. 16,68,000/- was credited but after lapse of 3 years, work has not been completed, whereas work had to be completed within 45 days. It is further alleged that ward Sadasaya, namely, Salma Khatoon, Ward



Sachiv Md. Taukir Alam of Ward No.1 defalcated Rs. 5,34,576 and ward Sadasya, namely, Rinku Devi, Ward Sachiv Sonu Kumar of Ward No.14 defalcated Rs.4,10,112/-.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. As per allegation in the FIR, the petitioner has not completed the work in question which was allotted to him and he has misappropriated the amount which was handed over to him for the completion of work. Learned counsel for the petitioner submits that after instituting the present FIR the petitioner has completed the work in question and Executive Officer has issued a letter bearing No. 451 dated 05.08.2023 stating therein that the petitioner has completed the work in question and he has not misappropriated any amount as mentioned in the FIR.

5. 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 bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Sikrahana at Dhaka, East Champaran in



connection with Chiraiya P.S. Case No.356 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/her absence on two consecutive dates without sufficient reason, his/her 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 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/her criminal antecedents, 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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