

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63934 of 2023

Arising Out of PS. Case No.-616 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Reza Ahmad Nasimi Son Of Late Mohammad Nasim R/O Village-
Mahamadpur Kuori, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Muzaffarpur Town P.S. case No. 616 of 2021 registered for the offence punishable under Sections 420, 409, 467, 468 and 120B of the Indian Penal Code.

3. The Block Resource Officer of the Mid Day Meal Scheme has directed for lodging the F.I.R. under communication dated 18.08.2021 wherein there are various allegations of irregularities being committed in the implementation of Mid Day Meal Scheme and management of Madarsa. The petitioner is Secretary of the Madarsa in question.

4. The learned counsel for the petitioner submits that



the communication for lodging F.I.R. is based on an inspection conducted three years prior thereto in the year 2015 containing vague allegations without any details. The allegations are false and give rise to collective responsibility for which the petitioner cannot be saddled any criminal liability. There is no quantification of alleged loss and the petitioner has no antecedents. One orderly namely Md. Equbal Ahmad has been attributed the prime role as per the F.I.R., He was appointed prior to the petitioner's becoming Secretary of the Madarsa in question.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations, clean antecedent of the petitioner, lack of details of the alleged irregularities and delay, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. case No. 616 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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