

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64132 of 2023

Arising Out of PS. Case No.-440 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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MD. AFTAB ALAM @ AFTAB ALAM SON OF MD. HABEEB HARARI
@ HABEEB HARARI RESIDNET OF VILLAGE - PITHAWA, PO-
JAMUNIA, PS- JHARKHAUR, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Town P.S. Case No. 440 of 2023, registered for the offence
punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B of
the Indian Penal Code.

3. Petitioner is a beneficiary of Chief Minister
Entrepreneur Scheme. The scheme contemplated grant of financial
assistance to the petitioner to the tune of Rs. 10 lacs, which was to be
disbursed in three installments; four lacs, four lacs and two lacs. The
prosecution alleges that the benefit under the scheme has been
availed by manipulating the documents and using false vouchers
rather than original vouchers.

4. Learned counsel for the petitioner submits that scheme



contemplated that only after utilization certificate in respect of the first installment, and submission of vouchers; the second and third installments were to be disbursed. During this period, no objection was raised and after due verification of the documents, the next disbursement was made to the petitioner. Now when he has started up the business, he is faced with this prosecution, which is nothing but an afterthought and without any basis. The petitioner, in the event of his arrest, shall suffer irreparable loss in the business set up under the scheme. Otherwise, he is more than willing to cooperate in the investigation as and when required. The similarly situated co-accused has been granted anticipatory bail by a Bench of this Court in Cr. Misc. 63888 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that petitioner is named accused. He has misappropriated funds intended for genuine entrepreneurs.

6. Having regard to the submissions advanced by the petitioner's counsel, clean antecedents of the petitioner and the undertaking regarding extending full cooperation in the investigation as and when required and similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioner.

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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Town P.S. Case No. 440 of 2023, 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 concerned. The bailors 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 bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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