

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69648 of 2023**

Arising Out of PS. Case No.-197 Year-2021 Thana- JHANJHARPUR District- Madhubani

Md. Nasim Ahmad @ Nasim Ahmad, S/O Late Nasir Ansari @ Late Nasir  
R/O Village- Chanauragoth, P.S- Jhanjharpur, Distt.- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      01-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Jhanjharpur P.S. Case No. 197 of 2021, lodged on 26.08.2021  
under Sections 406, 409, 420 and 34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been  
lodged against 2 named accused persons who are Chairman and  
Secretary of Block Jhanjharpur, under Gram Panchayat  
Chanuraganj Ward No. 9 and as per the FIR, there is an  
allegation that the petitioner has not completed the work and  
grabbed Rs. 10,31,152/- and only partial work has been done.  
Thereafter, in Gram Panchayat Raj, Chanuraganj with this  
allegation, FIR has been lodged by the I/c Block Development  
Officer, Panchayat Raj Chanuraganj, Dist. Madhubani.



4. Learned counsel for the petitioner submits that during the pendency of the bail application, the petitioner has completed the work, and in this regard, the work has been acknowledged by the J.E and entry has been made in the measurement book annexed as Annexure-2. He also submits that the petitioner has moved before this Hon'ble Court in Anticipatory bail vide order dated 26.06.2023 passed in Cr. Misc. No. 17523 of 2023 and as per the direction, he has surrendered before the Court. He further submits that the petitioner is ready to provide certificate from the Block Development Officer also and made specific pleading in the paragraph 8 of the petition that the work has been completed and there is difference of only Rs. 2,735/- which is also deposit in the account of the committee annexed as Annexure-2.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 27.07.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that until and unless the certificate may not be verified from the Block Development Officer that he has completed the work, bail may not be granted.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted **bail provisionally for two months** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1<sup>st</sup> Class, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 197 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. The provisional bail of the petitioner shall be confirmed by the Trial Court on production of completion certificate by the petitioner after obtaining the same from the Block Development Officer concerned within two months from the date of release. In the event, petitioner fails to produce the aforesaid completion certificate, the Trial Court shall cancel the provisional bail of the petitioner.

**(Dr. Anshuman, J.)**

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