

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26911 of 2024

Arising Out of PS. Case No.-375 Year-2021 Thana- GOGRI District- Khagaria

MD. JIYAU HAQ @ MD. ABBAS @ MD. JIAUL HAQUE SON OF LATE
NASRUL HAQUE RESIDENT OF VILLAGE - JALKAURA, WARD
NO.11, POLICE STATION - KHAGARIA, DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Vipin Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-05-2024 Heard Mr. Bindhyachal Singh, learned senior
counsel for the petitioner and Mr. Anil Kumar, learned APP for
the State.

2. Petitioner, who is in custody since 19.03.2023,
seeks bail in connection with Gogri PS Case No. 375 of 2021
registered on 23.08.2021 for the offences punishable under
Sections 188, 409 and 420 of the Indian Penal Code.

3. This is the second attempt on behalf of the
petitioner for grant of regular bail. Earlier, the prayer for regular
bail of the petitioner stood dismissed as withdrawn *vide* order
dated 19.12.2022 passed in Criminal Misc. No. 23038 of 2022
(Annexure-1)

4. The prosecution case, in brief, is that the petitioner



being Panchayat Secretary of five Panchayats, even after his retirement, did not hand over the charge of two Panchayats out of five Panchayats. It is further alleged that by not giving the charge of two Panchayats, he made an attempt to suppress the financial irregularities and embezzlement of public money.

5. Learned senior counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R, it appears that the petitioner did not hand over the charge of two Panchayats, namely, Gogri and Dakshani Jamalpur and he has embezzled the public money. He further submits that the petitioner *vide* letters dated 18.12.2021 and 05.04.2022 informed the District Magistrate and District Panchayat Officer, Khagaria that the Mukhiya has not given the concerned paper to him, so, he did not submit the same before the concerned authority. He further submits that the police after investigation submitted charge-sheet against the petitioner who is in custody since 19.10.2023.

6. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances



and the period of custody, petitioner namely, Md. Jiyaul Haq @ Md. Abbas @ Md. Jiaul Haque is directed to 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, Khagaria in connection with Gogri PS Case No. 375 of 2021, subject to the 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 bond 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 criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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