

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39964 of 2024

Arising Out of PS. Case No.-115 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Md. Firoz @ Firoz Son Of Md. Anwarul Marhum, Resident Of Village- Raghe Pura, P.S.- Bisfi, District- Madhubani (At That Time, Mukhya Of Gram Panchayat Raghepura Year 2016 To 2021).

... .. Petitioner

Versus

1. The State of Bihar
2. Abdul Kadir Son Of Late Abdul Manan Ansari, Resident Of Village- Raghe Pura, P.S.- O.P. Patauna (Bisfi), District- Madhubani (At That Time Ward Member, Ward No. 9, Panchayat Raghepura From 2016 To 2021).

... .. Opposite Party

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Appearance:

For the Petitioner	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar, Advocate
For the Opposite Party	:	Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Gagandeo Yadav, the learned counsel for the petitioner, the learned counsel appearing on behalf of complainant and Mr. Parmanand Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhubani Complaint Case No. 115 of 2022, dated 19.04.2022, registered for the offences punishable under Sections 323, 406, 409, 420, 120(B), 504 and 506 read with Section 34 of the Indian Penal Code. However, cognizance has been taken only under Section 420, 406 and 120(B) against the



petitioner.

3. According to the prosecution case, opposite party no. 2 was ward member of ward no. 9 of Raghepura Gram Panchayat and Sajiya Khatoon was ward sachiv of ward no. 9. It is further alleged that to complete the work of Mukhiyamantri Sat Nischay Nal Jal Yojna, Rs. 33,91,000/- (Rupees thirty-three lakhs ninety-one thousand) were givegn in the joint account of the complainant and co-accused Sajiya Khatoon. It is further alleged that co-accused Sajiya Khatoon gave Rs. 40,6,000/- (Rupees four lakhs and six thousand) to one Md. Rabbani, who in turn said that the given amount is insufficient and altogether Rs. 16,91,000/- (Rupees sixteen lakhs and ninety-one thousand) was given to Md. Rabbani, who, however, did not do the complete work and under a joint conspiracy Rs. 12,85,000/- (Rupees twelve lakhs and eighty-five thousand) was defalcated by the petitioner.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the complaint petition, it appears that there is no specific allegation and it also appears that the petitioner has not received any amount from the competent authority and allegation against the petitioner is that



on the instruction of accused no. 2, the amount in question has been given to the accused no. 3, who is the contractor of the present work in question. Apart from that, complainant has not alleged anything against the petitioner.

5. The learned counsel for the complainant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that at the relevant time, the petitioner was the Mukhiya and he is the mastermind of the present occurrence. Apart from that, petitioner carries two criminal antecedents other than the present, but fairly admits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate, Madhubani, where the case is pending in connection with **Madhubani Complaint Case No. 115 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and



also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial Court 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 learned trial Court 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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