

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42875 of 2024

Arising Out of PS. Case No.-246 Year-2016 Thana- BAHADURPUR District- Darbhanga

Md Izhar Hashmi @ Md Ichar Hashmi Son of Late Md Islam Village-
Ghoghraha, P.S.- Jale, Distt.-Darbhanga Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2024 Heard Mr. Kedar Jha, learned counsel for the

petitioner and Mr. Ajay Mishra, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 246 of 2016, F.I.R. dated 16.06.2016 for the offences punishable under Sections 188, 420 and 409 of the Indian Penal Code.

3. According to prosecution case, informant was directed by the authority to lodge F.I.R against the Panchayat Secretaries due to non production and concealment of government records.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner was Panchayat



Secretary of Kharajpur Panchayat and Dilawarpur Panchayat in the Block Bahadurpur at the relevant time and he has submitted all the relevant documents (Annexure 2 & 3 of the bail petition) including folders before the competent authority on 14.06.2015 and without verifying the same, the authority has lodged the present F.I.R on 16.06.2016. He further submits that the a number of similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 42846 of 2024 and its analogous cases and another co-accused, namely, Sitaram Mandal has been granted anticipatory bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 12243 of 2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he has submitted all the documents on 14.06.2015 i.e. before the lodging of the F.I.R, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Darbhanga in connection with Bahadurpur P.S. Case No. 246 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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 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 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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