

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59015 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- AGRER District- Rohtas

AADIL AHMAD S/O NIZAMUDDIN KHAN R/O VILLAGE- BARA DIH,
PS. AGRER, DIST. ROHTAS AT SASARAM

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate Mr. Hafiz Shahbaz Arif, Advocate Mr. Shive Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 11-03-2024 1. The supplementary counter affidavit filed on behalf of the State is taken on record.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.
4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and allegation is of defalcation of public money. The said allegation is general and omnibus in nature. It is further submitted that petitioner was the Secretary of a Committee which was constituted to look after the work relating to drinking water scheme. It is next submitted that for the scheme an amount of



Rs.14,73,500/- was sanctioned out of which an amount of Rs.12,99,500/- was released. It is also submitted that the said amount was not released in favour of the petitioner nor the petitioner had any financial power relating to spending the money on the scheme but since he was appointed as the Secretary of a Committee which was constituted for looking after the scheme as such he has been implicated. It is thus submitted that when the petitioner did not had any financial power with respect to the scheme in question, the question of defalcating the amount does not arise. It is submitted that petitioner got a job in a foreign country as such he left.

5. Learned A.P.P. for the State though does not dispute the said submissions of the learned counsel appearing on behalf of the petitioner but then submits that since the petitioner was made member of the Committee and was entrusted with the work of looking after the scheme as such the petitioner owed duty to ensure that the work is completed. It is further submitted that petitioner left for abroad in the midst even when work was not completed and the money was siphoned off on which the learned counsel appearing on behalf of the petitioner submits that it may be a dereliction of duty but then neither the Committee was statutory nor the petitioner was entrusted with



any statutory power.

6. Learned A.P.P. for the State further opposes the prayer for anticipatory bail of the petitioner and submits that though the Committee was not statutory in nature but then it was the bounden duty of the Committee to ensure that the work was completed but then the learned A.P.P. is not in a position to rebut the submission of the learned counsel for the petitioner that petitioner had no financial power nor the money which was sanctioned for the scheme was disbursed in his favour.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Agrer P.S. Case No. 31 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

