

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65054 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- JAMALPUR District- Darbhanga

MD NAJIM AKHTAR @ MD NASIR AKHTAR S/O MD. SAFIK R/O
VILLAGE- BAURAM, PS. JAMALPUR (BARGAON O.P), DIST.
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 27-02-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Jamalpur (Bargaon O.P.) P.S. Case No. 04 of 2023 for the offence registered under sections 406, 409, 420, 467, 468 and 34 of the Indian Penal Code lodged on 08.01.2023 by the informant Ram Kumar Singh.

3. This prosecution story arises out of C.W.J.C. No. 1503 of 2018 in which pursuant to the order passed on 15.03.2019 enquiry took place which followed the FIR lodged by the Circle Officer, Gaura Bauram in the District of Dharbhanga. The allegation in the FIR is that after the passing of the order in the aforesaid writ petition, enquiry took place and



several irregularities were found inasmuch as there was financial defalcation in the distribution of flood relief. Accordingly, those involved in it were named as accused and FIR lodged.

4. Learned Counsel for the petitioner submits that though at that relevant time, he was '*Mukhiya*', he had no role to play in the distribution of relief nor he had made the list of beneficiary and further he is ill and suffering from various ailments. The further submission is that similar situate some accused has been granted anticipatory bail by co-ordinate in Cr. Misc. No. 29914 of 2023 and Cr. Misc. No. 45732 of 2023.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 10,000/- on their own to the Chief Minister's Relief Fund.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he being a '*Mukhiya*', his role cannot be ignored.

7. Considering the submissions put forward by the parties as also that he do not have criminal antecedent, the similar situate other persons have been granted anticipatory bail, as stated above, this Court is inclined to extend him privilege of



anticipatory bail subject to payment of Rs. 10,000/-, as stated above.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of J.M. 1st Class, Biraul, Darbhanga in connection with Jamalpur (Bargaon OP) P.S. Case No. 04 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Neha/-

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

