

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70269 of 2023**

Arising Out of PS. Case No.-391 Year-2022 Thana- MADHEPURA COMPALINT CASE  
District- Madhepura

MD NAIMUDDIN S/O LATE JAKIR R/O VILLAGE- MADNI NAGAR,  
PO- MANGARWARA, PS. SHREE NAGAR, DIST. MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kumar Ravi Shankar, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

Mr. Shailendra Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

6      08-05-2024                      Heard learned counsel for the petitioner, learned APP  
for the State along with learned counsel for the O.P. No.2.

The petitioner seeks bail in anticipation of his arrest in  
a case registered for the offences punishable under Section 406  
of the IPC.

The learned counsel for the petitioner submits that  
inadvertently at para-3 of the anticipatory bail application, it has  
been pleaded that petitioner is a person with clean antecedent  
when he has antecedent of one case, in which he is on bail.

It is further submitted that petitioner is a headmaster  
of a Government Primary School and has been falsely  
implicated in the instant case by the informant. It is next  
submitted that from perusal of the allegation as alleged in the  
FIR, it would manifest that the informant in sum and substance



alleges that he had given 175 bags of maize to the petitioner and his son for selling, but the petitioner and his son misappropriated the maize by selling it and kept the money. The learned counsel submits that the date of occurrence is 16.06.2022 and on the same day his mother died, as such petitioner was not even aware that the informant had given maize to his son for selling. It is also submitted that his son instituted an FIR on 17.06.2022 wherein he has alleged that the informant had given him maize for selling it at Gulab Bagh, but while his son was going to Gulab Bagh he was intercepted by some unknown criminals who looted the maize for which Shri Nagar P.S. Case No.70 of 2022 was instituted by his son. It is also submitted that from perusal of the contents of Shri Nagar P.S. Case No.70 of 2022, it would manifest that his son in the FIR clearly alleges that he was driving the tractor along with two others while petitioner was not even present on the tractor.

The learned APP along with learned counsel appearing on behalf of the informant opposes the anticipatory bail application to the petitioner, but then are not in a position to rebut the submission of the learned counsel for the petitioner that the son of the petitioner instituted Shri Nagar P.S. Case No.70 of 2022 wherein he has clearly stated that petitioner was



not present on the tractor when maize was being taken to Gulab Bagh for sale.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. ..../- (Rupees ..... ) with two sureties of the like amount each to the satisfaction of the learned ----- in connection with ....., subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Satyavrat Verma, J)**

Prakash Narayan

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