

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69775 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Basaruddin Ansari @ Basiruddin Ansari, Son Of Late Aas Mohammad Ansari, Resident Of Village- Semra, Ps- Gopalganj, Distt- Gopalganj
 2. Mojbul Haque @ Mojibul Haque @ Mujibul Haque, Son Of Mulla Ansari Resident Of Village- Semra, Ps- Gopalganj, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
APP for the State,

2. In this present case, the petitioners are apprehending their arrest in connection with Gopalganj (Town) P.S. Case No. 276 of 2023, registered on 10.04.2023 for the offences under Sections 409, 420 and 120(B) of the Indian Penal Code.

3. As per prosecution case, petitioners being the Ward Secretaries of Ward Nos. 8 and 9 allegedly embezzled the Government money from certain Government scheme by making interpolation in the Measurement Book of the said scheme.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. Petitioners have no role in execution of any scheme. They are the members of the committee who supervise the work in their wards. The petitioners are Ward Secretaries of the respective committees for supervising the scheme in Ward Nos. 8 and 9, respectively. The custodian of the Measurement Book is Panchayat Secretary and the author of the said book is Junior Engineer. Petitioners have no role in preparing the Measurement Book, so making any interpolation in the measurement book or withdrawal of the money by them is out of question. Learned counsel further submits that the work of the scheme has already been completed and the payments have been made. The present case has been lodged after delay of five years of the alleged occurrence. Petitioner no.1 has got criminal antecedent of one case in which he is on bail and petitioner no.2 has got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material against the petitioners and also considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court



concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj/concerned court in connection with Gopalganj (Town) P.S. Case No. 276 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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