

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81138 of 2023

Arising Out of PS. Case No.-26 Year-2017 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Md. Nakib Alam Son Of Md. Rafi Ahmad @ Md. Rafi Alam Resident Of
Village - Bhada, P.S. - Sour Bazar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Pramod Mishra, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 30-04-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant and

perused the case diary.

2. The petitioner seeks bail in connection with

Bakhtiyarpur P.S. Case No. 26 of 2017 instituted for the offence

under Sections 406, 420, 120(B), 504/34 of the Indian Penal

Code.

3. There is allegation in the Complaint Petition that,

as per direction of the Government, the informant, who is PACS

Manager, made agreement on 10-06-2015 with the petitioner

and paddy weighing 1600 quintal worth Rs. 26,56,000/- was

given to the accused persons for preparation and supply of rice,



but both the accused persons with common intention after making conspiracy on 23-11-2015 accused-petitioner prepared power of attorney in the name of Md. Rakki Ahmad and they did not return the rice and misappropriated the money. The informant also sent pleader's notice on 28-09-2015, then accused persons gave threat on 21-12-2016. They abused and insulted the informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29-08-2023. Petitioner bears five criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that never any agreement has taken place in between the petitioner and the informant, hence the statement of the informant that after entering into agreement in between the informant and the petitioner, the paddy was supplied to the petitioner is completely false and manipulated. It is submitted that petitioner has never given in written that there is dues of the different PACS against the petitioner. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for



the informant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and nature of accusation, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bakhtiyarpur P.S. Case No. 26 of 2017, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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