

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83839 of 2023

Arising Out of PS. Case No.-17 Year-2020 Thana- MANPUR District- West Champaran

Shakeel Ahmad @ Sakil Ahmad, S/O Mojahiruddin Ahmad, Village- Inarwa,
Ps. Ramgadhwa, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 03-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection
with Manpur P.S.Case No. 17 of 2020 registered under sections
420, 409, 120B/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner along
with two contractors took three signed cheque from the
informant to purchase material for *Nal Jal Yojna* and
withdrew Rs. 10 lakh from her P.N.B Bank Account. The
petitioner, who is the owner of N.K. Enterprises withdrew Rs. 6
lakh but did not start the work.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. It is submitted that from perusal of the FIR, it appears
that the cheque, in question, was issued in the name of N. K.



Enterprises, registered in the name of Abdul Wari as a proprietor bearing Registration no. 10ACTPW6793K2ZN. It is submitted that the petitioner has no concern with the said enterprises. It is further submitted that so far as the allegation with regard to Rs. 6 lakh is concerned, the said amount has not been credited into the account of petitioner. It is further submitted that petitioner is not the contractor as alleged in the FIR and he was not assigned any work to be done. It is further submitted that it is clear from the FIR (part of FIR at page 12) that the said amount has been credited in the account of N. K. Enterprises. Learned counsel further submits that similarly situated co-accused persons namely, Baidyanath Hazra and Md. Nasir have already been enlarged on bail vide order dated 22.05.2023 and 13.05.2022 passed in Cr. Misc. No. 21340 of 2023 and 72601 of 2021 respectively. Lastly, it is submitted that the petitioner has one criminal case pending against him.

5. Learned A.P.P has opposed the prayer for bail of the petitioner.

6. Considering the facts as well as submissions of the parties, this anticipatory bail petition is allowed, let in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on



bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Bettiah, West Champaran, in Manpur P.S. Case No. 17 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C. and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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