

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84056 of 2023

Arising Out of PS. Case No.-616 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Md. Iqbal Ahmad, Son of Late Md. Idris, R/O Mohalla- Chandwara Kurban
Road (Qurban Road), P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Mr. Sandip Kumar Gautam, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Town P.S. Case No. 616 of 2021 registered for
the offences punishable under Sections 420, 409, 467, 468 and
120B of the Indian Penal Code.

3. The prosecution case is based on a written report of
the informant alleging therein that certain irregularities have
been found in course of inspection conducted on 14.11.2016
with regard to distribution of the Mid Day Meal and
misappropriation of the Government funds by showing more
children and more cooks (foods), than the actual presence of the



students. It is further alleged that the petitioner was appointed as orderly on the basis of forged certificate and he in collusion with the Secretary of the Madarsa has committed all such irregularity. On the basis of the aforesaid enquiry report, the F.I.R. has been instituted in the year 2021.

4. It is submitted on behalf of the petitioner that from the narrative of the F.I.R. it is evident that it does not disclose as to how much public money has been misappropriated or as to how the petitioner being orderly was instrumental in the irregularity. That apart, the inspection of Madarsa was conducted on 14.11.2016 and the present F.I.R. has been instituted on 18.08.2021. Moreover, the Secretary of the Madarsa, against whom the entire allegation revolves around, has already been allowed the privilege of anticipatory bail by the learned Coordinate Bench of this Court in Cr. Misc. No. 63934 of 2023 vide order dated 18.10.2023. He next submitted that though the petitioner is accused in two other cases, however, he is on bail in both the cases.

5. On the other hand, learned APP for the State opposes the bail application and submits that all the irregularities have been committed by the petitioner and in course of enquiry charges have been found proved.



6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the fact that co-accused person, having identical allegation, has been allowed the privilege of anticipatory bail and there is lack of details of the alleged irregularity, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 616 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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