

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42364 of 2025

Arising Out of PS. Case No.-255 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Sultan Haidar Son of Masiujjama Resident of village - Benibad, P.S.- Gaighat,
District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash, Advocate

For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-08-2025 Heard Mr. Om Prakash, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.10.2024 in connection with Gaighat (Benibad O.P.) P.S. Case
No. 255 of 2021, F.I.R. dated 29.07.2021 for the offences
punishable under Sections 406, 409, 120(B) of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused is said to have embezzled government
money amounting to Rs. 17,34,000/- (Seventeen Lakh and
Thirty-Four Thousand).

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the FIR is false and fabricated and the



petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner is the Secretary of the Ward Implementation and Management Committee of Ward No. 15 of Gram Panchayat Raj Kanta Pirochha North, Gaighat, Muzaffarpur and the petitioner is one of the co-signatory of the cheque in question and without completion of work in question, the petitioner and the co-accused have used the money. It is further submitted that in the present case, there is no role of the petitioner and the petitioner and co-signatory have issued the cheque in favour of the contractor and the contractor has not completed the work in question. There is no allegation against the petitioner that he has embezzled the amount in question rather the allegation against the petitioner is that he and other co-accused persons have failed to complete the work in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Imteyaz Ahmad @ Imtiyaz Ahmad @ Md. Imteyaz, who is also the Secretary of the Ward Implementation and Management Committee of Ward No. 17, has been granted privilege of regular bail by this Court vide order dated 16.08.2023 passed in Cr. Misc. No. 44998 of 2023. The petitioner is in custody since



18.10.2024.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, the petitioner and other co-accused persons have issued the cheque in favour of the contractor and the other co-accused person has been granted privilege of regular bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Court No.2, Muzaffarpur(East), Muzaffarpur in connection with Gaighat (Benibad O.P.) P.S. Case No. 255 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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