

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37105 of 2025**

Arising Out of PS. Case No.-152 Year-2024 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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Md. Usman Haider Khan @ Md. Usman Haidar Khan Son of Allauddin Khan  
Village -Ahilwara PS -Biroul District- Darbhanga The Then Panchayat  
Secretary, Prakhand kuseshwar Asthan, Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

4      11-09-2025                      Heard Mr. Rajesh Ranjan, learned Counsel for the  
  
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection  
with Kuseshwar Asthan P.S. Case No. 152 of 2024 for the  
offence registered under Sections 406, 409, 420 and 34 of the  
Indian Penal Code lodged on 19.06.2024 by the informant,  
Shri Lalan Kumar Chaudhari.

3. As per the prosecution story, the informant  
alleged that on instruction of District Magistrate, Darbhanga,  
the case is being lodged against the present petitioner.

4. Learned Counsel for the petitioner submits that  
there is no allegation against the petitioner save and except  
the above contention and in that background, not only he



deserves relief, he shall also be taking steps for quashing of the said FIR.

5. In this case, the Co-ordinate Bench had called for the case diary which is now been received.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail and has taken this Court to the different paragraphs to show that the Collector's letter shows that he was suspended between 02.04.2021 to 02.10.2021 but in between and during the suspension period, he issued a cheque of Rs. 3,50,000/- to Ms/ Shivam Solar Light. There is further allegation of siphoning of amounts in the letter no. 2036 dated 30.07.2022 issued by the District Magistrate, Darbhanga.

7. Learned counsel for the petitioner submits that to show his bonafide and without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to make payment of Rs. 3,50,000/- in favour of the Block Development Officer, Kuseshwar Asthan through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to Block Development Officer, Kuseshwar Asthan after checking the credentials. Further, he is ready to



cooperate in the matter unless and the entire details be made available to him so that he can go through the allegation and give answers to it.

8. Considering the submissions of the parties as also the fact that the FIR is vague, the petitioner is ready to pay Rs. 3,50,000/- by demand draft in favour of the Block Development Officer, Kuseshwar Asthan, Darbhanga, in that background, this Court is inclined to extend him relief with the following condtions:

*(i) the said demand draft of Rs. 3,50,000/- shall be made available to the concerned Court at the time of execution of the bail bond which in turn shall be handed over to the Block Development Officer, Kuseshwar Asthan, Darbhanga after checking the credentials.*

*(ii) the petitioner shall be approaching the District Magistrate, Darbhanga after getting the bail along with this order who shall be appointing an Officer to look into the matter and shall provide the document/details to the petitioner.*

*(iii) the petitioner shall be diligently assisting/ cooperating with the concerned Officer deputed by the District*



*Magistrate, Darbhanga and is duty bound to satisfy them;*

*(ii) shall in no way try to block the investigation/ enquiry in such matters.*

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul, Darbhanga in connection with Kuseshwar Asthan P.S. Case No. 152 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Raj Ranjan/-

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