

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38843 of 2025

Arising Out of PS. Case No.-240 Year-2023 Thana- ADAPUR District- East Champaran

Md. Phiroj Alam @ Md. Phiroj Answare @ Md. Firoz Alam @ Phiroj Alam
@ Phiroj Answare S/O Sobrati Answare @ Sovarati Miyan R/O Village-
Ghorasahan, P.S.-Harpur (Adapur), District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Adapur (Harpur) P.S. Case No. 240 of 2023, lodged on 11.08.2023, under Sections 409/420/34 of the Indian Penal Code.

3. As per the FIR, allegation is that the Mukhiya and the petitioner have embezzled the Government money. They have received Rs.11,93,400/- from the Government coffer for work but according to the measurement book work of



Rs.6,81,384/- has been completed only.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that kingpin is the Mukhiya. He submits that measurement book indicates that work of Rs.6,81,384/- has been done. As per entry money taken is Rs.11,93,400/-, as such, unused money is Rs.5,12,016/- only. Counsel submits that the petitioner has retained only two lakhs and he is ready to refund the same. He further submits that Mukhiya has retain three lakhs. Counsel for the petitioner tenders to deposit rupees two lakhs and odd.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is the admission of the petitioner that the petitioner was given rupees two lakhs as commission and money had been withdrawn by the Mukhiya.

6. In the present facts and circumstances of this case, let the above named petitioner be released on **provisional anticipatory bail**, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran, in connection with Adapur (Harpur) P.S. Case No.



240 of 2023, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. In case the petitioner deposits rupees two lakhs before the D.D.C., Motihari, East Champaran, within four weeks at the time of furnishing the bail bond, the Court shall verify that whether he has deposited the said money in the government coffer or not? On being satisfied that he has deposited the said money in the government coffer, his provisional bail shall be confirmed. All the exercise must be completed within four months from today.

(Dr. Anshuman, J)

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