

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69528 of 2025

Arising Out of PS. Case No.-897 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

=====

Md. Sagir Son of Md. Wakil Ansari Resident of Mohalla - Nakchhed Tola,
Police Station - Town Motihari, District - East Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwari, Advocate
For the State	:	Mr. Anil Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2025 Heard Mr. Sanjay Kumar Tiwari, learned counsel for the
petitioner as well as Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Motihari Town P.S. Case No. 897 of 2017, F.I.R. dated
29.12.2017 for the offences punishable under Sections 409/34 of
the Indian Penal Code.

3. According to prosecution case, the petitioner has
received Rs. 7,500/- under Swachh Bharat Mission for
construction of toilet. But he has not constructed toilet and he
misused and misappropriated the Government money.

4. Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the
present case. It is alleged in the FIR that under Swachh Bharat



Mission, the petitioner has received Rs. 7,500/- as first installment for the toilet in question and the petitioner has not constructed the toilet after receiving the amount from the Government. Learned counsel for the petitioner has produced a letter dated 26.05.2025 of the Municipal Commissioner, Motihari addressed to the petitioner which suggests that the petitioner has constructed the toilet in question. He further submits that in view of the letter of the Municipal Commissioner, dated 26.05.2025, the allegation as alleged in the FIR is false and fabricated.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, he has constructed the toilet in question after receiving the amount from the Government and the same is certified by the Municipal Commissioner vide his letter dated 26.05.2025, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 897 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure/ 482(2) of the BNSS, 2023 and with other 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)

priyanka/-

U		T	
---	--	---	--

