

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22458 of 2015

Arising Out of PS.Case No. -141 Year- 2015 Thana -ARARIA District- ARRARIA

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Md. Parwez Alam Son of Late Haji Md. Yusuf At present Pardhan
Adhyapak Balika Uche Vidyalaya, Araria, Resident of Mohalla -
Khalilabad, Ward No. 25, P.S. - Araria, District - Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr.Adv.
Md. Naushad Uzzoha, Adv.

For the Opposite Party/s : Dr.Indiwar Kumari (App)

For the informant : Md. Ziaul Quamer, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-08-2015 Heard learned counsel for the parties.

2. Having regard to the nature of allegation for offence under sections 341, 323, 307, 379, 504, 506 of the Indian Penal Code and that there is yet another First Information Report against the petitioner by a lady teacher alleging offence under sections 354, 506, 504 of the Indian Penal Code being Araria Mahila P.S.Case No. 12/2015, this Court taking into account such conduct of the petitioner towards the teachers of the school to be derogatory and in fact obscene as well as objectionable was not inclined to grant privilege of anticipatory bail to the petitioner but then what would weigh upon this Court now is that for the same occurrence the petitioner has already been subjected to an order of suspension as also a departmental proceeding under the order of

the Director, Secondary Education dated 14.5.2015.

3. In that view of the matter, this Court would direct the petitioner, Md. Parwez Alam, to surrender before the court below within a period of four weeks from today, whereafter he shall be granted only provisional bail for a period of three months on the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for

reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

4. In the period of three months the petitioner must not visit the school in question and/or try to influence any of the teachers who are to depose as witnesses in the departmental proceeding against him and if there be any complaint of such nature by the District Education Officer, Araria to the court below that the petitioner has tried to influence or pressurize any of the witnesses, his provisional bail shall be cancelled even before expiry of three months.

5. At the same time as the petitioner now stands removed from the school by way of fixation of the headquarters in the office of the District Education Officer, Araria the petitioner must remain present in the headquarters every day without fail and it shall be the duty of the District Education Officer, Araria to again report to the trial court if the petitioner remains absent in the period of suspension, whereupon the trial court would cancel the provisional bail of the petitioner.

6. The Director, Secondary Education being the disciplinary authority, who has already taken steps for framing of

charge, is also hereby directed to ensure that the departmental proceeding against the petitioner is conducted forthwith by appointing some lady officer as an Enquiry Officer and the departmental proceeding against the petitioner be conducted on day to day basis, whereafter the Enquiry Officer shall submit his enquiry report within the maximum period of one month from her being appointed as an Enquiry Officer. The final order in the disciplinary proceeding against the petitioner must be passed within the period of three months from the date of appointment of the lady Enquiry Officer.

7. It goes without saying that if the departmental proceeding is not concluded within the aforesaid period of three months, the trial court shall be at liberty to extend the provisional bail for another maximum period of three months on an application filed by the District Education Officer, Araria.

8. With the aforementioned observation and direction, this application is disposed of.

9. Let a copy of this order be sent to the Director, Secondary Education as also the District Education Officer, Araria, forthwith.

(Mihir Kumar Jha, J)

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