

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42058 of 2014

Arising Out of PS.Case No. -52 Year- 2014 Thana -BENA District- NALANDA (BIHARSHARIFF)

- 1. Md. Minhaj Alam @ Javed
- 2. Md. Mohibuddin Alam @ Nanhu @ Mobinuddin @ Nanu @ Md.Mohibuddin.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur with Nilesh Kumar

For the Informant : Mr. Sanjan Prasad, Advocate

For the State : Mr. Awadhesh Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 04-03-2015 Heard learned counsels for the petitioners, informant and the State.

The petitioners seek anticipatory bail in a case registered for the offence punishable under Sections 341, 323, 324, 353, 354, 504, 506, 34 of the Indian Penal Code.

Sudhir Kumar, who is the Headmaster of Inayatpur Newly Primary School in Nalanda District, is the informant. He has alleged in F.I.R. that on the date of occurrence the petitioners dragged a lady teacher of the school with bad intention and assaulted her. Reason for the occurrence has been assigned and it has been stated that on the same day there was scuffle between the

petitioners and cook of the School, who prepared Mid Day Meal in the School. The said lady teacher had intervened in the said scuffle.

Learned counsel appearing on behalf of the petitioners has submitted that prior to the institution of the F.I.R., the petitioners have been approaching the authorities regularly by filing complaint against the Headmaster and the teacher for the irregularities, committed by them in preparing of Mid Day meal for children in the School. He further submits that as a matter of fact, in retaliation of such complaint, the present F.I.R. has been lodged.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for bail and has contended that allegation of assault against her is specific and therefore the petitioners do not deserve privilege of anticipatory bail. However, keeping in view, the nature of allegation and submissions made on behalf of the petitioners that prior to lodging of the present F.I.R., the petitioners had been approaching higher authorities against the informant and the said teacher of the school and considering the facts and circumstances, in case of arrest or surrender within a period of four weeks, the above named petitioners shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten

thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Ben P.S. Case No. 52 of 2014, subject to condition as laid down under Section 438(2) of Cr. P.C.



(Chakradhari Sharan Singh, J)

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