

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39052 of 2015

Arising Out of PS.Case No. -798 Year- 2011 Thana -COMPLAINT CASE District- ARRARIA

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1. Ishrati Khatoon W/o Md. Mokhtar Alam
2. Md. Mokhtar Alam S/o Late Islam Both Resident of Village Dhobanya,
P.S. Jokihat, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Ekramul Haq S/o Late Haji Md. Ibrahim Resident of Village
Bagmara, P.S. Jokihat, District Arraria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal
For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2015 Heard Sri. N.K. Agrawal, learned senior counsel for
the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 798(C) of 2011 registered for the offences punishable under Sections 385, 420, 504, 506 and 120-B of the Indian Penal Code.

The prosecution case as alleged in complaint to the CJM, Araria by the informant Ekramul Haque is that his wife Saiyada Gufrana had applied for the post of Aanganwari Sebika with 68.83% marks for which she has got receipt no. 16/2007 dated 25.04.2007. Other candidates Humera Khatoon and Bibi Tarannum had also applied for the same post with 64.8% and



63.91% marks respectively. It is further alleged that accused persons by tampering the marks sheet of the candidates, selected one Humera Khatoon. Accused persons accepted their guilt in CDPO Office, Jokihat. Thereafter, CDPO, Shabana pravin demanded a bribe of RS. 2 lac for appointment of his wife by cancelling the name of earlier selected candidate. Then informant paid Rs. 2 lac to one co-accused Vishundeo Prasad Singh, Headclerk of CDPO Office but they failed to give appointment letter as such the present complaint has been lodged.

It has been submitted by the learned senior counsel that the petitioners have been falsely implicated due to village politics. It has further been submitted that the accused persons demanded Rs. 2 lac for getting the appointment of informant's wife by cancelling the earlier appointment, but neither the earlier appointment has been cancelled nor the money has been returned by the petitioners. It is further submitted by the learned senior counsel that the complaint case has been lodged after a delay of 4 years which creates a doubt on the nature of correctness of the allegations and their case stands on a better footing than co-accused Shabana Parvin (CDPO) who has already been granted privalage of anticipatory bail by a coordinate Bench of this Court vide order dated 04.10.2013 passed in Criminal Misc. No. 30944

of 2013.

Under such circumstances, let the petitioners, namely, Ishrati Khatoon and Md. Mokhtar Alam in the event of their arrest or surrender within a period of four weeks from today before the learned court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Araria in connection with Complaint Case No. 798(C) of 2011 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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