

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34481 of 2015

Arising Out of PS.Case No. -192 Year- 2015 Thana -PURNEA SADAR District- PURNIA

1. Md. Asad Alam son of Late Md. Abbas
2. Md. Manzar Alam son of Late Mansoor Both R/o village- Mahendrapur,
P.S.- Sadar, District- Purnea Petitioners

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioners : Mr. N.K. Agrawal, Sr. Advocate
Dr. Bidhu Ranjan, Advocate
For the State : Mr. S.N.Shukla, APP
For the Informant: Mr. Sanjeev Kumar No. 1, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 16-10-2015 Heard learned counsel for the petitioners, the State and
the informant.

Petitioners seek bail in a case registered for offences
punishable under Sections 420, 467, 468, 409, 471 and 120B of
the Indian Penal Code.

The First Information Report is lodged by the President
of the Madarsa Islamiya Islahul Muslemin, Mahendrapur, Purnea
which is based on the inquiry report of the District Education
Officer, Purnea. From perusal of the inquiry report, it appears
that an amount of about nineteen lacs thirty seven thousand
rupees was withdrawn from the Bank Accounts concerned but on
none of the registers, the signatures of the representatives and
Principal Moulvi were taken and, as such, gross irregularity has
been pointed out and, thus, the allegation is that the aforesaid

amount has been embezzled by the petitioners.

Learned counsel for the petitioners submits that there are records which show that the informant was dismissed by the Committee and in retaliation the case has been lodged against the petitioners and a petition was filed before the Collector of the District that he is trying to harass the petitioners. It is further submitted that the investigation is now complete and, therefore, the petitioners should be released on bail.

Learned counsel for the State has submitted that it has come during the course of investigation, as would be apparent from paragraphs 29 to 34 of the case diary, that the guardians of the students of the school as also others persons have complained that all the amount with respect to purchase of dress etc. has been distributed amongst the fake persons and even a tractor driver has been given such amount.

Learned counsel for the informant has submitted that, prior to lodging of the First Information Report, a thorough inquiry was conducted by the District Education Officer and upon the basis of the inquiry report, the First Information Report has been lodged and during the investigation the case has been found true. It is further submitted that if the petitioners would be released on bail, there would be possibility of tampering of

evidence.

It is contended that the petitioners should not be released on bail at this stage as a thorough inquiry appears to have been conducted by the District Education Officer and the First Information Report has been lodged on the basis of the inquiry report which has been appended with the same. It is urged that during the course of investigation, it has come to light that the petitioners have embezzled the amount. Petitioner no. 1 was the Principal/Head Moulvi of the concerned Madarsa and petitioner no. 2 is the Secretary of the same Madarsa and as such there may be a possibility of tampering of evidence.

Having regard to the aforesaid facts and circumstances, this Court is not inclined to enlarge the petitioners on bail at this stage.

However, the petitioners would be at liberty to renew their prayer for bail before the court below itself after framing of charge.

Accordingly, this application stands dismissed.

(Dr. Ravi Ranjan, J)

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