

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44372 of 2016

Arising Out of PS.Case No. -345 Year- 2014 Thana -NANHPUR District- SITAMARHI

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Md. Afzaul Haque @ Md. Afjaul Haque, Son of Md. Ahararul Haque,
Resident of Mohalla Pratap Nagar, Mehsaul, Sitamarhi, P.S. Sitamarhi,
District- Sitamarhi, Asstt. Teacher, Madarsa Anwarul Ulum, Kumma,
Sutihara, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 25-10-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Nanpur P.S. Case No. 345 of 2014 registered under Sections
420, 467, 468, 471 and 34 of the Indian Penal Code.

The accusation is that in the light of the order passed
in C.W.J.C. No. 7870 of 2014, a committee, comprising three
members, was constituted for enquiry about irregularities
committed in evaluation of answer sheets of English first paper of
Maulvi Examination. In course of enquiry, it was detected that in
English first paper, the petitioner, being the head examiner, in
respect to answer sheet of Roll No. ARR-1903 and ARR 1994,

committed forgery and mentioned the marks in Marks Folio without examining the answer sheet of the students of said Roll Number.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the enquiry report, which is the basis of present case, that answer sheets of English first paper of Maulvi Examination, 2013 was already auctioned and due to said reason, answer sheets were not examined by the Enquiry Committee. Mere on suspicion, the petitioner, who is the Head Examiner of Center, Madarsa Jamia Mohamadia and Md. Tajim, who was also examiner, have been made accused in this case. Further submission is that perhaps Tabulation paper as submitted by the petitioner was changed at Madarsa Board. While the petitioner filed an application under the R.T.I. Act to furnish bill submitted by him with his signature for tallying with the signature of Tabulation Chart, but the same could be provided by Madarsa Board saying that the question is not clear.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each

to the satisfaction of the C.J.M., Sitamarhi in connection with Nanpur P.S. Case No. 345 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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