

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51976 of 2015**

Arising Out of PS.Case No. -239 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Abdul Sattar Khalifa son of Md. Israeel Khalifa, Resident of village-  
Gangwalia, P.S.- Kudra, District- Kaimur( Bhabua), At present- Assistant  
Teacher, Primary School, Ghari, Kudra, Kaimur (Bhabua)

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the State : Dr. Indiwari Kumari, APP

For the Opposite Party/s : Mr. Pankaj Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

3      04-02-2016      Heard learned counsel for the petitioner and learned  
counsel for the State as well as learned counsel for the  
informant.

Petitioner apprehends his arrest in a case instituted  
under Sections 427, 341, 323, 353, 354, 379/34 of Indian Penal  
Code.

The informant is the Headmistress of the school. She  
alleged that when she objected to making attendance from the  
back date, then petitioner became infuriated and tore the  
attendance register as well as inspection register. The other  
accomplice of the petitioner caught her hand and snatched  
golden chain and exhorted each other to assault.

The petitioner submits that he is senior to the



informant and inspite of order of the higher authorities, she did not hand over the charge. In support of the same, he has referred to memo dated 31.03.2012 12.09.2014 and 12.02.2015 at page 17, 18 and 19 of the brief. He further submits that a case was also subsequently instituted against the informant Ramawati Devi. The petitioner denies the allegations of tearing the attendance or the inspection register.

Learned counsel for the informant opposes the prayer for bail and submits that though the petitioner remained absent from 02.03.2015 to 27.08.2015, still he insisted to mark attendance for the days, he had remained absent. Infuriated, he tore the register. He next submits that anticipatory bail application of the four persons, who accompanied the petitioner namely, Sudarashan Paswan and others, were not allowed relegating them to surrender and pray for regular bail before Magistrate vide order dated 24.11.2015 passed in Cr. Misc. No. 53508 of 2015 by a Bench of this Court.

In the facts and circumstance and as also that petitioner is named in the F.I.R., I am not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is refused with direction to surrender and seek regular bail which

would be disposed of on its own merit without prejudice,  
preferably on the same day.

The anticipatory bail application filed by the  
petitioner is accordingly dismissed.

**(Samarendra Pratap Singh, J)**

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