

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1564 of 2017

Arising Out of PS.Case No. -367 Year- 2016 Thana -JOKIHAT District- ARRARIA

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1. Md. Imran Sabir son of Safiruddin Resident of Village - Gariki
Bageshwari, P.S. - Jokihat, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Babita Kumari

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 18-01-2017 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

The petitioner seeks bail in connection with Jokihat P.S.
Case No. 367/2016, registered for the offences punishable under
Sections 467, 468, 471 and 420 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the
petitioner being Mukhiya has been dragged in this case at the
instance of his enemy. The First Information Report has been
lodged on the basis of the order passed by the Appellate Authority
in the year 2011 which was challenged in this Hon'ble Court by
Bibi Keswari in C.W.J.C. No. 21955/2011 and this Hon'ble Court
stayed the order dated 22.10.2011 passed by the learned District
Appellate Authority, Araria vide Annexure-3. Similarly, Md.
Shahzad Alam also challenged the order of Appellate Authority in



C.W.J.C. No. 20358/2011 and the Hon'ble Court also stayed the order of the Appellate Authority dated 21.12.2011 vide Annexure-4. Now the genuineness of the certificate regarding the appointment to the post of teacher, is a subject-matter of the writ jurisdiction and as such the petitioner now deserves sympathetic consideration, which was not only sole Appointing Authority but appointments were made by the Committee and the petitioner, being the Mukhiya, used to chair the said Committee. The petitioner is in custody since 24.11.2016 without any fault and as such he deserves sympathetic consideration.

Learned A.P.P. fairly submits that on the basis of the order passed by the District Education Appellate Authority the FIR was lodged and that order has been stayed.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 367/2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and



every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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