

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23093 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Arfa Tabssum, Wife of Rustam Ali, Resident of Village and P.S. -
Areraj, Dist.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 24-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in Sugauli P.S.
Case No. 46 of 2017 instituted for the offence under Section-409
of the Indian Penal Code.

It is alleged in the written report that the informant
even after direction of District Education Officer by letter No. 175
dated 04-02-2017, did not hand over charge of the school to the
informant within three days. It is further alleged that the petitioner
being the Ex-headmaster became absent from the school from 01-
12-2016, for which, information was given to DEO, East
Champaran.

Learned counsel for the petitioner submits that the
petitioner was an old lady and was suffering from various



diseases. She immediately after getting information handed over the charge to the informant on 02-03-2017. It has further been submitted by the petitioner that she was not the Drawing and Disbursing Authority which is apparent from Annexure-2. Therefore, there is no any allegation against the petitioner in the written report of any misappropriation.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioner named above, in the event of her arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sugauli P.S. Case No. 46 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioner tampers with the evidence or the witnesses of the case,



in that case, prosecution will be at liberty to move for cancellation
of bail of the petitioner.

(Sanjay Priya, J)

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