

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15367 of 2017

Arising Out of PS.Case No. -896 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Harun Rashid @ Md. Harun Rashid Son of Late Abdul Bahaw, Resident of Village- Karim Nagar, P.S.- Mohiuddin Nagar, Dist.- Samastipur, at present resident of mohalla - Ashiyana Colony(Bagmali) Hazipur, P.S.- Town Hajipur, Dist.- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Khalid Anwar S/o late Abdul Bahaw, resident of Mohalla Ashiyana Colony (Bagmali), Hazipur, P.S. Town Hajipur, Distt. Vaishali

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-04-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 341, 323, 379 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that the father of the complainant was posted on the post of a teacher in Middle School, Patory and he died on 19.05.1990 and his mother supported the petitioner, being eldest son, for service on compassionate ground and he got job on that ground, but the petitioner absconded from his house without doing job and Department issued an order to



dismiss him and directed to take appointment to other dependants. Then mother of complainant sworn an affidavit on 31.1.2001 in favour of complainant and supported to give him job on compassionate ground. Thereafter the complainant's mother died on 21.5.2002. Then the District Programme Officer issued a letter dated 5.3.2013 to complainant, in which accused had filed an affidavit of deceased alleging allegation against complainant and complainant got knowledge of this fact and came to know that petitioner prepared a forged affidavit on 10.5.2002 and signature of Sahnaz Bano was made. It is further alleged that mother of complainant was admitted in Cancer Hospital, Patna till 13.5.2002. So there is no question of making her signature and she was not able to go anywhere and petitioner always disobeyed and did not live together and with intention to make loss to complainant prepared forged affidavit and used it.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner was appointed as a teacher on compassionate ground in the year 1994 on the affidavit sworn by the mother of the petitioner. Subsequently the mother of the petitioner died in the year 2002. Till her life time no such



complaint regarding making a false affidavit was ever made. The complainant of the present case is none-else but the brother of the petitioner. Due to family dispute the present case has been instituted against him.

On behalf of the State, it is submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-10, Vaishali at Hajipur in connection with Complaint case No.896 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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