

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50365 of 2017

Arising Out of PS.Case No. -50 Year- 2017 Thana -SIMRIBAZAR District- DARBHANGA

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1. Sabir Hussain @ Md. Sabir Hussain, Son of Late Zahir Alam,
2. Md. Mumtaz @ Md. Mumtaz Alam Son of Late Sayedur Rahman, Both
R/o Village- Arai, P.S.- Simri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Adv.
For the Opposite Party/s : Mr. Sri Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 08-12-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Simri Police Station Case No. 50 of 2017, disclosing
offences under Section 7 of the E.C. Act.

Learned counsel for the petitioners has submitted
the petitioners, who are of clean antecedent, are innocent and
have not committed any offence. In fact, the petitioners happen
to be Principal of the Madarsa and Member of Managing
Committee of the Madarsa, Jamia Jamhuria Mohiul Uloom,
Arai, Dharbhanga have kept the food grains relates to Mid-day
Meal in the house of the petitioner No.2 as the Madarsa was
going to be closed for 43 days on the even of Ramzan. In this



regard, petitioner No. 1 has also communicated to the District Programme Officer, Midday Meal and District Education Officer, Darbhanga, which is evident from annexure-2. Moreover, the District Education Officer, Darbhanga on the communication of petitioner No.1 has directed the concerned official not to lodge F.I.R. without any enquiry, which is evident from annexure-3, but the petitioners have falsely been implicated in this case. Hence, the petitioners who are of clean antecedent deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Simri Police Station Case No. 50 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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