

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55341 of 2017

Arising Out of PS.Case No. -397 Year- 2016 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

- =====
1. Anwari Begam, Wife of Late Muntakhabool Islam.
 2. Md. Kasim, son of Late Muntakhabool Islam.
- Both residents of Village- Gadha, P.S. Pupri, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mashhood Azam, Son of Late Md. Sulaiman, Resident of Village-
Gadha, P.S. Pupri, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-11-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Complaint Case No.C1-397 of 2016 registered under Sections
409, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The accusation of the complainant/opposite party no.2
Mashhood Azam is that he established Madarsa Tulabnaat Garha
for Islamic and Modern Education for the girls in the year 1976
and since then he is the Secretary of the said Madarsa. Late
Muntakhabool Islam, the husband of the petitioner no.1 and father
of the petitioner no.2, was the Chairman of the Managing



Committee of the said Madarsa. Due to that reason, the petitioner no.1 was appointed as Urdu teacher on the basis of the certificate in which her date of birth was detailed as 07.05.1953. After completion of 62 years of her age, she was retired on 31.05.2015. Thereafter, under conspiracy, the petitioner no.1 gave an application before the District Education Officer, Sitamarhi, submitting another certificate showing her date of birth as 07.05.1956 and, accordingly, the District Education Officer, Sitamarhi, ordered to retain the petitioner no.1 in Madarsa for teaching and also payment of the salary. In the meantime, the petitioner no.2 formed an illegal Management Committee and on giving pressure on the Headmaster of the Madarsa succeeded to get salary of his mother (petitioner no.1). Against the constitution of the illegal Managing Committee of Madarsa by the petitioner no.2, the complainant/opposite party no.2 filed Appeal No.05 of 2016, which was decided in his favour dissolving the Management Committee constituted by the petitioner no.2. The complainant/opposite party no.2 was also directed that he may lodge a case.

Learned counsel for the petitioners submits that due to management dispute, the present case has been lodged. Moreover, the decision of Appeal No.05 of 2016 has already been challenged



in C.W.J.C. No.19927 of 2016, which is pending for disposal before this Court.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Pupri at Sitamarhi, in connection with Complaint Case No.C1-397 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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