

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12791 of 2018

Arising Out of PS.Case No. -674 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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Md. Idris, son of Late Sk. Anwar, Resident of Village- Dhanoura, P.S.-
Rasalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

For the informant : Md. Anisur Rahman, Advocate.

Md. Akram Nayer, Advocate.

For the Opposite Party/s : Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner apprehends his arrest in **Kahalgaon**
(Rasalpur) P.S. Case No. 674 of 2017 instituted for the offence
under Sections 467, 468, 420, 472 and 120(B)/34 of the Indian
Penal Code.

The prosecution case is that the informant is President
of Managing Committee of Madarsa Darul Ulum, Dhanoura. It is
alleged that petitioner who is Secretary of aforesaid Madarsa has
illegally got appointed three persons including his son on the post
of teacher without knowledge of the President and members of the
said Madarsa. It is further alleged that in Agenda dated 4.9.2017



and 7.9.2017 of the Proceeding register, the petitioner made false signature of the informant and five members of the committee and on the basis of that, got the approval of the appointment in question from Bihar State Madarsa Education Board, Patna. The informant got such information through RTI of Madarsa Board.

Learned counsel for the petitioner has submitted that on the basis of complaint filed by the petitioner, the matter was enquired by the District Programme Officer, Bhagalpur, and on the basis of his report, the appointment of those three teachers who were appointed by the Managing Committee of the Madarsa Board were approved. The petitioner has enclosed the enquiry report and the approval by Madarsa Board for appointment of teachers as Annexure-3 to this petition.

In such circumstances, this Court is of the view that since the matter has already been considered by Madarsa Board, the civil remedy is available to the informant for redressal of his grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Kahalgaon (Rasalpur) P.S. Case No. 674 of 2017, corresponding to G.R. No. 6508 of 2017,**



he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Bhagalpur**, subject to the conditions as laid down under Section 438 (2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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