

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40746 of 2018

Arising Out of PS.Case No. -123 Year- 2018 Thana -JOKIHAT District- ARRARIA

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1. Md. Gaysuddin @ Md. Gaiyashuddin, son of Md. Basiruddin, resident of village- Rampur, Police Station- Krityanand Nagar, District- Purnea, Presently posted as Panchayat Secretary, Gram Panchayat Raj Gairki Masuriya, Block- Jokihat, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 12-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Jokihat P.S.**

Case No.123 of 2018 instituted for the offence under Section(s)
420, 467, 468, 471 Indian Penal Code.

It is alleged in the written report that one Gufran Sabir after obtaining two birth certificates of different dates from Bihar School Examination Board and Bihar State Madarsa Education Board got his job as *Nyay Sachiv* and Teacher. As per direction of the District Magistrate, Araria, the District Education Officer, Araria, enquired into the matter and found the allegation correct. The petitioner, who was Panchayat Secretary, was



directed to remove the teacher from the job and to lodge the First Information Report. Despite several reminders, the petitioner did not remove the teacher.

Counsel for the petitioner has submitted that Letter No.1440, which was issued by the District Education Officer, Araria, was challenged by Gufran Sabir in the Hon'ble High Court vide CWJC No.18770 of 2017 and the Hon'ble Court by order dated 21.12.2017 and 21.03.2018 stayed operation of the aforesaid letter. The informant and higher authorities ignored the order of the Hon'ble Court dated 21.03.2018 and lodged the instant case.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Jokihat P.S. Case No.123 of 2018**, 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 the **Chief Judicial Magistrate, Araria**, 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.

JA/-

(Sanjay Priya, J)

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