

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32786 of 2018

Arising Out of PS.Case No. -294 Year- 2016 Thana -BAHERA District- DARBHANGA

=====

Farzana Khatoon, w/o Md. Sadique Amin, R/o Vill.- Mohammadpur Quaziana, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Ajay Mishra, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 31-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Bahera P.S.**

Case No. 294 of 2016 instituted for the offence under Sections 467, 468, 469, 471, 420 and 409/34 of the Indian Penal Code.

Counsel for the petitioner submits that on the basis of enquiry made by Dr. S.M. Ali Imam, Parshad-cum-President, Upgraded Middle School, Kotwaliya on 18.2.2016 which is part of the First Information Report wherein it is mentioned that Sofia Nizam who is daughter of Md. Nizamuddin and Smt. Ashma Nizam has been illegally appointed ignoring all the norms and procedure of the appointment. It is stated in the aforesaid inquiry report that signature of Md. Mohiberasul who is neighbour of Md. Nizamuddin appointed as Secretary of the Conducting Committee



was found forged. It has further been submitted that petitioner was not at all concerned with the appointment. He was Secretary at the relevant time. It is mentioned in the inquiry report that there is self declaring statement of the petitioner. The statement of the petitioner is part of inquiry made by Dr. S.M. Ali Imam which is part of the First Information Report. Co-accused Md. Auranjab @ Auranjeb has already been granted anticipatory bail by coordinate Bench of this Court vide order dated 24.04.2018 passed in Cr. Misc. 15801 of 2018.

The Investigating Officer has not found any case against the petitioner. Only SSP made supervision of the instant case and report-4 submitted on 12.01.2018 and the First Information Report was lodged on 16.10.2016 against the petitioner.

Learned counsel for the State has submitted that petitioner was Secretary of the *Siksha Samittee* at the relevant time of appointment. But from enquiry report which is part of the record, it appears that appointment was made by Principal of the School in conspiracy with parents of the candidate Sofia Nizam and total four persons are named in the First Information Report.

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 **Bahera P.S. Case No. 294 of 2016**, she 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 **Additional Chief Judicial Magistrate, Benipur, Darbhanga**, 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 her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her 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)

S.Ali/-

U		T	
---	--	---	--

