

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63675 of 2017

Arising Out of PS. Case No.-208 Year-2017 Thana- BANMANKHI District- Purnia

Md. Azizur Rahman Kasmi @ Md. Azizur Rahman Kasmin S/o Hikmat Ali,
R/o Village- Darzi Patti, Ward No. 10, Banmankhi, P.S.- Banmankhi, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Dr. Rabindra Kumar APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner apprehends his arrest in Banmankhi P.S. case no.
208 of 2017 instituted for the offence under Section(s) 406 and 409
of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner has retired as head Moulvi in the year 2013. He was
posted as Moulvi in Nomaniya, Banmankhi Madarsa since 1975 to
December 2013 levelling allegation that when the documents have
been demanded from the retired head Moulvi (petitioner) he did not
give those documents to the Incharge. It is further alleged that
altogether Rs. 12,93,150/-(Twelve Lakh, Ninety Three Thousand and
One Hundred Fifty) has been misappropriated.

Learned counsel for the petitioner has produced the document



issued from the present head Moulvi of the Madarsa wherein it has been mentioned that petitioner had handed over charge in the year 2013 along with various registers and documents as mentioned in the aforesaid letters. Let the document be retained on file.

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 Banmankhi P.S. case no. 208 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 the learned A.C.J.M. 1st, Purnea, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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