

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18832 of 2019**

Arising Out of PS. Case No.-97 Year-2018 Thana- RUDRAPUR District- Madhubani

1. MD.SHAMIM Son of Late Bachai Ansari Resident of Village - Alpura, P.S.- Rudrapur, Distt - Madhubani.
2. Md. Raji Kamal @ Raji Kamal @ Pappu Son of Md. Mustafa Kamal Resident of Village - Alpura, P.S.- Rudrapur, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      28-03-2019                      Heard both sides.

The petitioners apprehend their arrest in Rudrapur P.S. case No. 97 of 2018 registered under Section 448, 341,323, 427, 380/34 of the IPC.

The informant is Headmaster of Madarsa Inshlahul Mushalmin, Alpura. The informant alleged that Md. Halim and Md. Raji Kamal, petitioner No.2, came to his Madarsa, abused the informant, broke chairs and took away different registers. Md. Shamim, petitioner No.1, instigated the accused persons and assured them that no harm will be done to them.

The learned counsel for the petitioners submits that no occurrence, as alleged by the informant, has taken place. In fact the petitioners made peaceful protest and observed fast against the illegality and irregularity committed by the Headmaster of the Madarsa. They gave memorandum of demand to the concerned authority. On such, the B.D.O. sent letter to District



Education Officer, Madhubani to look into the allegation made by the villagers against the Headmaster of the school and that is why the informant lodged this case.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioners and the fact that prior to institution of this case the petitioners made protest and also filed complaint before the concerned authority complaining illegality and irregularity committed by Headmaster of Madarsa, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to 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 learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Rudrapur P.S. case No. 97 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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