

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30711 of 2019

Arising Out of PS. Case No.-253 Year-2017 Thana- COMPLAINT CASE District- Araria

1. Md. Azhar Hussain Son of Late Sharif Resident of Village and P.O-Masuria, P.S-Mahalgaon (Jokihat), District-Araria.
2. Sushil Kumar Rishideo Son of Shivanand Rishideo Resident of Kusiarganj, P.S. and District-Araria.
3. Gufrana Begum Wife of Minhajul Haque Resident of Village and P.O-Chainpur, P.S.-Mahalgaon, (Jokihat), District-Araria.
4. Mir Imran Alam @ Md. Imran Alam Son of Mir Abdul Rauf Resident of Village-Basantpur, P.O-Araria, P.S and District-Araria.
5. Md. Sadique Alam @ Md. Sidique Alam Son of Late Mobinul Haque Resident of Village and P.O-Masuria, P.S.-Mahalgaon (Jokihat), District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahboob Alam, Son of Nabi Hasan Resident of Village and P.O-Masuria, P.S.-Mahalgaon (Jokihat), District-Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gautam Kumar Kejriwal Mr. Atal Bihari Pandey Mr. Rahul, Mr. Alok Kumar Jha
For the Opposite Party/s :		Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 09-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Sections 465, 417, 418 and 468 of the Indian Penal Code.

Petitioner no.5 Md. Sadique Alam who happens to



be Ex-Mukhiya of Gram Panchayat Raj Chainpur Masuria is said to have created forged and backdated provisional letters of appointment of the petitioner nos.1 to 4 with effect from 29.12.2010 and got the petitioner nos. 1 to 4 joined as Panchayat teachers in the said Panchayat.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in the case. Though opposite party no.2 Mahboob Alam was the Mukhiya of the said Panchayat during the year 2011-16, but he kept mum and did not inform the matter to the concerned authorities during the aforesaid period rather after joining of the wife of petitioner no.5 as Mukhiya of the said Panchayat in the year 2017. Petitioner nos. 1 to 4 were not accorded their salary challenging their appointment resultantly they moved before this Hon'ble Court twice and this Hon'ble Court finding the appointment of the said petitioners valid directed the aforesaid petitioners to represent before the concerned authorities. Consequently, petitioner nos. 1 to 4 approached District Teachers Appointment Appellate Authority, Araria for redressal of their grievance and the said Appellate Authority finding the appointment of the said petitioners valid directed the concerned



authorities to make payment of the salary of the said petitioners. But the said order was not complied. Then the said petitioners moved before this Hon'ble Court and this Court considering the matter directed the concerned authorities to comply the order passed by the Appellate Authority within a period of 60 days else to face the music. But even then the order of this Court was not complied. In the meantime, District level authorities assailing the aforesaid order of the Appellate Authorities moved before the State forum and the State forum considering the matter and finding the appointment of the petitioner nos. 1 to 4 valid directed to make payment of the salary of the aforesaid petitioners, but in vain. Then the aforesaid petitioners filed contempt petition before this Court and this Court taking serious view of the matter directed to strictly comply the order passed by the Appellate Authority immediately whereupon salary of petitioner no.4 and one other teacher was paid but salary of petitioner nos. 1 to 3 has not yet been paid.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Araria in connection with Complaint Case No. 253 (c) of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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