

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69099 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- BASOPATTI District- Madhubani

SHAMASE ALAM Son of Late Masud Alam Resident of Village - Darah,
P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-11-2019 Let a supplementary affidavit filed by the petitioner be taken on record. Petitioner has made statement in the supplementary affidavit with regard to one separate case being Basopatti P.S. Case No. 171/2019 dated 25.07.2019, which has been filed connected to the same matter with regard to the payments made to the concerned teacher.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Basopatti P.S. Case No. 193/2019 registered under Sections 467, 468, 471, 419, 420 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that at the relevant time the petitioner was working as Panchayat Secretary



of the Panchayat and he had no means to examine the document submitted by the candidates. He has been falsely implicated in this case, however, he has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

In the facts and circumstances of the case wherein it is submitted on behalf of the petitioner that at the relevant time the petitioner was working as Panchayat Secretary of the Panchayat and he had no means to examine the document submitted by the candidates and he could not have immediately come to a conclusion as to whether those documents are forged and fabricated and further submission that in course of inquiry conducted by the Block Development Officer the petitioner was not called upon to participate to explain and it is the submission of the petitioner that the report of the B.D.O. contains ex parte allegations, let the above-named petitioner, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - Vth, Madhubani, in connection with Basopatti P.S. Case No. 193/2019, subject to condition as laid down under Section



438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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