

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23798 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- BAHERA District- Darbhanga

MD. UMAR FAROOQUE S/o Md. Habib Resident of Village- Shivram, P.S.-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amish Kumar, Adv.
For the Vigilance	:	Mr. Arvind Kumar, Adv.
For the State	:	Mr. Anil Pd. Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, counsel for the State and learned counsel for the vigilance .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.



Petitioner apprehends his arrest in connection with Bahera P.S. Case no. 04 of 2020 instituted for the offence under Sections 420, 467, 468, 471 and 120B of the I.P.C.

Petitioner's counsel submits that upon instructions from the petitioner, supplementary affidavit has been filed, wherein, a stand has been taken that subject to result of the criminal proceedings, the petitioner would submit his resignation in view of the alleged appointment based on forged inflated marks.

Learned counsel for the vigilance submits that subject to verification of the fact of submission of resignation by the petitioner, the petitioner may be extended the privilege of anticipatory bail, if at all.

In the facts and circumstances of the case, petitioner may surrender before the Court below (Additional Chief Judicial Magistrate, Benipur, (Darbhanga) in connection with Bahera P.S. Case No. 4 of 2020 within a period of three weeks from today along with proof of submission, whereupon the Court below, after verifying the fact, as stated above, shall release the petitioner on anticipatory bail to its own satisfaction, subject to the conditions as laid down under Section 438(2) Cr. P. C. subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

With the aforesaid observation/direction the application stands disposed off.

(Madhuresh Prasad, J)

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