

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78276 of 2019

Arising Out of PS. Case No.-323 Year-2019 Thana- TURKAULIYA (BANJARIA) District
East Champaran

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Safirul Hoda Hadi (Male), aged about 56 years, son of late Azizul Haque,
Resident of Jan Pul Chawk, Bettiah Road, P.S. Motihari Town, District-East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-09-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Md. Anis Akhtar, learned counsel for the
petitioner and Mr. Satyendra Narayan Singh, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with
Turkauliya (Banjaria) PS Case No. 323 of 2019 dated
26.05.2019 instituted under Sections 467/468/471/465/419/420
of the Indian Penal Code.

4. The allegation against the petitioner and another co-



accused is that they had fraudulently sent a letter to the Bihar School Examination Board (hereinafter referred to as the 'Board') in which the petitioner was shown to be elected as the teacher representative of the College in question for being made a member of the *Ad hoc* Managing Committee of the College.

5. Learned counsel for the petitioner submitted that the allegation against him is only that he was instrumental in sending Letter No. 01 of 2017 dated 28.02.2017 from the College to the Board which led to issuance of Letter No. 227 dated 08.04.2017 by the Board constituting the *Ad hoc* Managing Committee of the College in question. It was submitted that a regular meeting was held by the Convenor, Dr. (Prof.) Tejnarayan Singh, on 28.02.2017 at 10:00 a.m. in which besides the petitioner another teacher was also elected as representative of the teachers' (female) whereas the petitioner was elected as teachers' representative (male). Learned counsel submitted that the meeting was held and the persons who attended the meeting had signed the proceeding also. Learned counsel submitted that the petitioner had no special benefit from being member of the *Ad hoc* Managing Committee and, thus, there was no occasion for him to have fraudulently got himself elected. Learned counsel submitted that there is no allegation of



any financial embezzlement against the petitioner. It was submitted that the petitioner is a cancer patient and a sympathetic view be taken.

6. Learned APP, from the case diary, submitted that from the investigation, it is clear that the aforesaid Dr. (Prof.) Tejnarayan Singh has written to the Board that in good faith he has signed the register which was brought to him by the petitioner and the other co-accused and that no such election was ever held and further he had written to the Board not to act upon the letter as the meeting was going to be convened and thereafter recommendation would be sent. It was submitted that a thorough enquiry was conducted in the matter and in the enquiry report it has clearly been found that the dispatch register of the College does not show issuance of Letter No. 01 of 2017 dated 28.02.2018 addressed to the Board and, thus, clearly the same was forged and fabricated. It was submitted that this letter was the basis of the Board constituting the *Ad hoc* Managing Committee of the College of which the petitioner was also a member. It was submitted that there is also no explanation as to why the petitioner had again appeared before the Committee for being considered as a teachers' representative for the *Ad hoc* Managing Committee on 01.05.2017 if already such election



was held on 28.02.2017, recommendation sent and such Committee also notified by the Board on 08.04.2017 itself. It was further submitted that the petitioner thereafter participated in the meetings of the *Ad hoc* Committee where important decisions were also taken.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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