

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51807 of 2021

Arising Out of PS. Case No.-55 Year-2018 Thana- TURKAULIYA District- East Champaran

SAFIRUL HODA HADI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan
For the State	:	Mr.Ram Bilash Roy Raman
For the O.P. No.2	:	Mr. Anil Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 01-08-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 467, 468, 471, 465, 419 and 420 of the Indian Penal Code.

As per the prosecution case / F.I.R., this petitioner alongwith others arrived in the chamber of Principal and made hindrance in discharge of administrative work. The petitioner is alleged to have demanded Rs. 5,00,000/- from the informant, as Rangdari and he also threatened to kill if informant lodges any case against him.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and after investigation, the investigating officer submitted final form finding the case not true against the petitioner. As a matter of fact, this informant was suspended as a Principal of the college by Adhoc Managing Committee and thereafter, this petitioner was appointed as officiating Principal of college. Being aggrieved and disappointed with the same and taking revenge against this petitioner, the informant has lodged this false case.

However, learned counsel for the O.P. No.2



vehemently opposed the prayer for anticipatory bail and submitted that petitioner has got criminal antecedent. It is further submitted that petitioner has suppressed material fact regarding his implication in Turkauliya PS case No. 72/ 2018. Besides this a false statement has been made that Turkauliya PS case No. 374/ 2011 lodged against the petitioner and others has been found false and no action has been taken against the petitioner and others but the factual position is that in Turkauliya PS case No. 374/2011 charge sheet has been filed against the petitioner and others and the learned CJM took cognizance and issued summons against the petitioner. He next points out the circumstances which led to institution of F.I.R. of the aforesaid case cropped up on account of complaint filed by 14 employees of the concerned college including this petitioner regarding non-payment of salary and distribution of government aid amongst the employees.

In reply learned counsel for the petitioner submits that due to mistake Banjaria PS case No. 72/2018 could not be mentioned and it was wrongly mentioned in paragraph 3 of the petition that Turkauliya PS case No. 374/ 2011 has been found false and petitioner has not suppressed any information. As a matter of fact petitioner is suffering from cancer and he has been undergoing radiation therapy and on account of illness he was not able to communicate with the advocate and furnish all the relevant details. Similarly situated accused Anjani Kumar Singh has already been granted pre arrest bail by this court vide order dated 25.07.2022 passed in Cr. Misc. No. 46586/ 2021.

Considering the aforesaid facts and circumstances of the case and the fact that police after investigation submitted final form and similarly situated accused has already been



granted anticipatory bail by this court, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Turkaulia (Banjaria) P.S. Case No. 55 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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