

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15032 of 2023

Arising Out of PS. Case No.-16 Year-2021 Thana- SHRI NAGAR District- Madhepura

MD NAIMUDDIN S/O Late Jakir R/O Village- Madninagar, P.O-
Magarwara, P.S- Sri Nagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravi Shankar, Advocate

For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Sri Nagar P.S. Case No. 16 of 2021 registered for the offence punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The FIR instituted on the basis of a written application by the Block Education Officer is alleging fraudulent withdrawal or embezzlement of an amount of Rs. 13,45,594/-.

Learned counsel for the petitioner submits that the same was implicating the *panchayat* teacher, namely, Bibi Rahmat Praveen. The petitioner is the headmaster of the school



and the anticipatory bail application of the Bibi Rahmat Praveen has already been allowed in Cr. Misc. No. 12616 of 2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail. Referring to relevant paragraph of the order of the learned Session Judge, Madhepura whereby the petitioner's prayer for anticipatory bail was rejected on 28-06-2022, to submit that his participation in the conspiracy has emerged in the course of investigation and relevant paragraphs have been taken note of by the learned Session Judge, Madhepura .

This Court would find that the written report was specifically naming Bibi Rahmat Praveen and the case of the petitioner is, if not better, at least at par with Bibi Rahmat Praveen and there is no distinction whatsoever so as to disentitle the petitioner to grant of anticipatory bail. The petitioner also is stated to be a man of clean antecedents.

Considering the submission of parties, claim based on parity and the nature of material emerging in the course of investigation, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Madhepura in connection with Sri Nagar P.S. Case No. 16 of 2021, dated 25-02-2021 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with 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.

(Madhuresh Prasad, J)

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