

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68420 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- KHAJEKALA District- Patna

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SYED QAMAR ABBAS Son of Syed Ghulam Quasim Resident of Ward No.-
60, Gurugovind Singh Hospital, Barkat Khan Ka Akhara, Moghalpura, Patna
City, Police Station - Khajekalan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Shia Waqf Board through its Chief Executive Officer, 2nd Floor,
Haj Bhawan, 34, Ali Imam Path, Harding Road, Police Station -
Sachivalaya, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Syed Asgher Najmi, Advocate
For the State	:	Mr. Anil Kumar, APP
For the O.P. No.2	:	Md. Anjum Akhtar, ADvocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 11 15-09-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel

assisted by Mr. Syed Asgher Najmi, learned Advocate for the

petitioner, learned counsel for the opposite party no.2 and

learned A.P.P. for the State
2. The petitioner apprehends his arrest in Khajekalan P.S. Case

No. 08 of 2021 registered for the offences punishable under

Section 420 of the Indian Penal Code and Section 52 (A) of the

Waqf Act.
3. The allegation against the petitioner is that he, being a

caretaker and Manager of Estate No.5 of Colonal Kable Ali

Khan Waqf, is said to have committed fraud by constructing



building on the said property without permission of Bihar State Waqf Board, handed over possession of the construction and received huge amount of Rs.1,01,25,000/- from the persons mentioned in the F.I.R.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that Bihar State Shia Waqf Board in its meeting held on 08.09.2016 has taken resolution vide Resolution No.2 to develop Colonal Kalbe Ali Khan Waqf Estate No.5, Patna and for this purpose the Waqf Board has also constituted a committee of two members, namely, Irshad Ali Azad, Chairman of the Board and S. Israr Hussain, Member of the Board and authorised this committee to decide policy for development of the said Waqf. Thereafter, under the direction of the aforesaid committee, the petitioner, being Manager of the Col. Kalbe Ali Khan Waqf Estate, 5/Patna, has constructed flats and shops over the Waqf land and possession was also given to the persons who have given money for construction. It is further submitted that the enquiry was conducted and the Chairman of the Waqf and the petitioner both were found liable for the alleged defalcation and embezzlement but this case has been lodged against the petitioner only for the reasons best known to them. The



petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned counsel for the opposite party no.2 and learned APP for the State vehemently opposed the prayer for bail. Learned counsel for the opposite party no.2 submitted that the petitioner dishonestly concealed the fact and collected huge money amounting to Rs.1,01,25,000/- from different persons for the sale of Waqf property for his personal gain. He further submitted that there are ample evidence against the petitioner of defalcating the huge amount. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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