

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.906 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- DHAKA District- East Champaran

Md. Sarfraj Alam @ Sarfraj Alam @ Sarfraj Ahmad Son Of Md. Merajul
Haque R/O Village- Mahuawa, Fulwariya, Ward No.10, P.S.- Dhaka, District-
East Champaran Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 409, 34 of
the Indian Penal Code.

As per FIR, co-accused Tanzila Khatoon while posted
as Headmistress misappropriated the school fund and did not
hand over the charge to the informant.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case only because he happens to be son of Smt. Tanzila Khatoon
who has posted as headmistress of the school in question since
05.12.2012 to 31.01.2020. He submits that in the entire FIR, the
informant did not disclose that how much amount of the school
fund has been defalcated by the mother of the petitioner during
her posting as Headmistress. He submits that there is no specific
overt act against the petitioner. There is specific allegation



against the mother of the petitioner. He submits that the similarly situated co-accused has already been granted bail by co-ordinate Bench of this Court vide order dated 06.12.2022 passed in Cr. Misc. No. 42609 of 2022. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State and learned counsel for the informant oppose the prayer for bail and submit that all the money has been transferred in the account of the petitioner which is clear from the statement of the account.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhaka P.S. Case No. 185 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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