

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21350 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -RAJAUN District- BANKA

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Sahdeo Rajak Son of Late Sukkar Rajak Resident of Village + P.S. -
Amarpur, District - Banka, at present Panchayat Secretary Block Office,
Rajoun, Dist - Banka. Petitioner.

Versus

1. The State of Bihar. Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. A.K.Choudhary (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case
instituted under Sections 167, 467, 471, 420/188 of the Indian
Penal Code.

Prosecution story, in short, is that the petitioner was
Incharge Panchayat Secretary, who was directed to make over
charge to Rajendra Choudhary vide Memo No. 914 dated 8.7.2014
of the B.D.O. Rajoun but he did not make over the charge and
when the matter was viewed seriously, he started to make over the
charge but still he has not handed over the charge of Pass-book,
Cheque book and other financial documents and on seeing the
Bank account statement it came to light that he has withdrawn
total Rs. 3, 47,000/- through different cheques in the names of
different persons and thereby he has misappropriated the amount

by committing forgery.

On behalf of the petitioner, it has been submitted that the petitioner has been made accused in the present case due to mistake of fact. Further, it has been submitted that the petitioner is ready to deposit an amount of Rs. 50,000/- in the Court below, which shall be subject to the final disposal of the case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and he is the Panchayat Secretary.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.50,000/- within 12 weeks in the Court below, which shall be subject to the final disposal of the case. On his so depositing, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of 13 weeks, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 17/15, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sudhir Singh, J.)

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