

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5183 of 2015

Arising Out of PS.Case No. -131 Year- 2014 Thana -MAHISI District- SAHARSA

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1. Abhay Kumar Chaudhary S/O Late Uday Kant Chaudhary Resident of vill- Baghba, P.S- Bakhtiyarpur, Distt.-Saharsa, currently Head Master, Manmod Sanskrit High School, Baghba, P.S- Bakhtiyarpur, Distt.-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karuna Kant Jha

For the Opposite Party/s : Mr. B.N.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 03-09-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Mahisi P.S. Case No. 131 of 2014 registered for the offences punishable under sections 198, 420, 465, 468, 471 and 120-B of the Indian Penal Code.

It is contended that initially a complaint was filed by the informant of the case, which was referred to the Police for investigation under section 156(3) of the Code of Criminal Procedure without judicial application of mind in complete violation of the law laid down by the Supreme Court in the case of Priyanka Srivastava & Another Vs. State of U.P. & Others [(2015) 6 SCC 287], pursuant to which the FIR was registered and

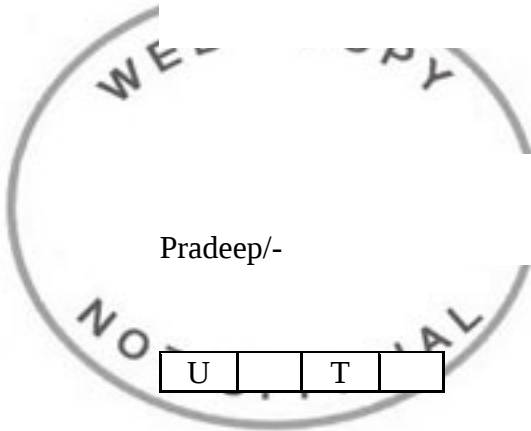
investigation was taken up.

The informant, who was selected as Anganbari Sevika in Gram Panchayat Rajanpur, was dismissed from service by an order passed by the District Program Officer, Saharsa. By the said order, the District Program Officer, Saharsa had appointed accused no.1, namely, Neelam Devi against the said post of Anganbari Sevika, pursuant to which the informant made a complaint. It has further been contended that the co-accused Neelam Devi had got herself enrolled in Manmod Sanskrit High School, Baghba, Saharsa in Class VIII on 25.01.2005, wherein her father had given declaration relating to her date of birth. The petitioner being headmaster of the said Manmod Sanskrit High School at the relevant time was not a party to any conspiracy.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa in connection with Mahisi P.S. Case No. 131 of

2014, subject to the conditions as laid down under section 438(2)
of the Code of Criminal Procedure.



(Ashwani Kumar Singh, J)