

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13826 of 2013

Arising Out of PS.Case No. -114 Year- 2012 Thana -SACHIWALAYA District- PATNA

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1. Nawal Kishore Choudhary S/O Jeewach Prasad Choudhary Resident Of
Vikash Colony, P.S. Shastri Nagar, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Md.Ansarul Haque(App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

5 13-05-2015 Heard.

The allegation against the petitioner is that he caused the disappearance or destruction of the service book of an employee of the State. The plea of the petitioner was that he had dispatched the service book to a particular officer but the State controverted the stand of the petitioner by alleging that the plea was a ploy to justify the act of destroying the service book of an employee.

The Court is of the opinion that even if it is assumed for the sake of argument that the petitioner has indeed destroyed the service book of an employee, could it be amounting to an offence under Section 409 of the Indian Penal Code.

In the opinion of the Court, it could be merely a misconduct on the part of the State employee to be taken care of

under the relevant rules of Bihar Service Code.

Let the above named petitioner be directed to be released on bail either in the event of his arrest by the police or surrender in the court below on furnishing his personal recognizance bond of Rs.1,000/- (one thousand) without any surety to the satisfaction of Chief Judicial Magistrate, Patna in connection with Sachiwalaya P.S.Case No.114 of 2012 subject to the conditions under Section 438(2) Cr.P.C.

(Dharnidhar Jha, J)

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