

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6916 of 2016

Arising Out of PS.Case No. -481 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Brahmdeo Rai son of Sri Jhari Lal resident of village Maricha, P.S. Tajpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. A.A.Khan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 409 and 420 of the Indian Penal Code.

The prosecution case is of not handing over of charge by the petitioner being a Panchayat Secretary to his successor, Upendra Ram.

It is submitted by the learned counsel for the petitioner that petitioner has already handed over the charge. Statement to this effect has been made in paragraph 12 of the petition which reads thus:-

“12. That it is relevant to mention here that the charge which was taken by Bimal Kumar Kunwar on

20.08.2011 as mentioned as Sl. No. 05, he has already given charge to present Panchayat Secretary namely Upendra Ram on 17.10.2012 as Sl No. 12.”

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for three months in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Samastipur in connection with Patory P.S. Case No. 481 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner shall be confirmed by the learned court below on verification of the fact that petitioner has already handed over the charge but if it is found that petitioner has not handed over the charge, then the petitioner shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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