

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17875 of 2016

Arising Out of PS.Case No. -95 Year- 2011 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

Prakash Kumar son of Late Jitendra Prasad, resident of village- Bettiah
Ward No. 10, P.S.- Bettiah Town, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishore Mishra, Advocate

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-05-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Sikta P.S.Case No.95 of 2011 registered for offences punishable
under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner was
appointed in the Health Department as Health Worker at P.H.C.,
Sikta on the basis of forged appointment letter and subsequently
petitioner was transferred on the basis of forged order.
It is alleged by the learned counsel for the petitioner that the
petitioner is not being allowed to work and not having paid any
salary to the petitioner and due to that the petitioner had
approached this Court for payment of salary.

It has been submitted by the learned counsel for the
petitioner that Civil Surgeon-cum-Chief Medical Officer on

28.09.2011 was ordered for payment of salary but the petitioner was terminated without giving him adequate opportunity of hearing or show cause.

It has further been submitted that no departmental proceeding has been initiated against the petitioner and withholding of salary can not be done without enquiry. He further submits that one of the co-accused Smt. Usha Kumari has since been granted the privilege of anticipatory bail in Cr. Misc. No. 9222 of 2013 on 09.04.2013 on similar allegations.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence opposes the prayer for bail.

Considering the aforesaid facts let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District-West Champaran in connection with Sikta P.S.Case No. 95 of 2011, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

Sudha/-

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