

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23557 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -DINARA District- SASARAM (ROHTAS)

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Mantosh Kumar Singh son of Late Bikrama Singh

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramji Rai son of Late Jawala Rai,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Mr. Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner being Panchayat Secretary is apprehending arrest in a case registered for the offences punishable under Sections 409, 420, 201 and 34 of the Indian Penal Code.

Prosecution case is that in pursuance of an order passed by a Division Bench of this Court in a PIL, the Vigilance enquiry was initiated with regard to the illegality committed in the appointment of 'Panchayat Teachers'. Consequently, the investigating agency directed the Panchayat Secretaries to submit the folders containing certificates of such appointed 'Panchayat Teachers' within the stipulated time frame but the petitioner failed to submit the respective folder.

It is submitted by learned counsel for the petitioner that the petitioner was not given charge of the folders with regard to

appointment of Panchayat Teachers at the relevant time. A statement to that effect has been made in paragraph 11 of the petition, which reads as follows :-

"That the petitioner who was posted as Panchayat Secretary of Akorha Gram Panchayat the earlier Panchayat Secretary namely Shyam Bihari Singh of Akorha Gram Panchayat had handed over the charge of the gram Panchayat of 02.07.2015 and bare perusal of the charge list no documents relating to either Panchayat Siksha Mitra appointment or Panchayat Teacher Appointment was handed over to the petitioner."

A further statement has been made in paragraph 12 of the petition that the petitioner has submitted the folder to the concerned authorities on 02.01.2016 on the direction of the superior officers.

Though, the inconsistent stand has been taken by the petitioner but considering the nature of accusation, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bikramganj, in connection with Dinara(Bhanus) P.S. Case No.53/2016, subject to the conditions as

laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted on filing of the affidavit by the petitioner before the learned court below to the effect that he will regularly co-operate in the investigation. Non-cooperation in the investigation by the petitioner will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Ashwini/-

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