

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31047 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -GHOSI District- JEHANABAD

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1. Dilip Kumar Mishra, Son of Late Ramesh Chandra Mishra, resident of village- Nadiyami, P.S- Sakatpur, District- Darbhanga, at present Panchayat Secretary, Shahpur Gram Raj Panchayat Block Ghoshi, P.S.- Ghoshi, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-08-2016 Heard Mr. N.K. Agrawal, Sr. Advocate, for the
petitioner and Mr. M. Dayal APP for the State.

The petitioner apprehends his arrest in connection with Ghoshi P.S. Case No. 88 of 2016, registered under Section 409 IPC lodged by the Block Education officer, Ghoshi.

The allegation, in brief, is that in connection with making enquiry regarding fraudulent appointment of the Panchayat Teachers certain documents relating to those appointees were called for from the petitioner which was not furnished. The petitioner had hands in glove with those beneficiaries of fraudulent appointment.

Contention of the petitioner is that he joined Ghoshi



Block very recently in 2014. All documents relating to the Teachers in his possession were forwarded. On instruction received, he requested the previous Panchayat Secretary to furnish those files/documents which, however, were not furnished. Petitioner, in such circumstance, cannot be held criminally liable. Although on administrative side action can be taken against him. Referring to the order dated 05.07.2016 passed in Cr. Misc. no. 26331 of 2016, (Annexure-10) it is stated that co accused of the case having similar allegation has been released on anticipatory bail.

Considering the fact and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Ghoshi P.S. case no. 88 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.



(ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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