

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33172 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -GHOSI District- JEHANABAD

1. Lal Chand Mandal @ Lal Chand Prasad Mandal, S/o Brahamdeo Singh Mandal, R/o village- Chamandi, P.O.- Chamandi, P.S.- Kurtha, Distt.- Arwal (Panchayat Secretary Bandhuganj).
2. Suresh Sharma son of Ram Kewal Sharma, R/o village+ P.O.- Sohasa, P.S.- Mehendiya, Distt. Arwal (Panchayata Secretary Bishnupur Okari).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Ghosi (Okari) P.S.Case No. 81/2016 registered for the offence punishable under Sections 409 of the Indian Penal Code.

The prosecution case as lodged by the informant, Kaulesh Sharma, Block Education Officer, Modanganj Block, Jehanabad is that inspite of repeated reminders, the folders and certificates of Panchyat Teachers appointed for the years, 2003, 2005, 2006, 2008, 2012 and 2015 were not sent by the petitioners, who are Panchayat Secretaries in the Bandhuganj, Bishunpur

(Okari) Gram Panchayat, respectively. The appointment of Panchayat Teacher has been under investigation by the Vigilance Department in pursuance to the order of this Court.

It has been submitted by the learned counsel for the petitioners that they are Panchayat Secretaries in the aforesaid Gram Panchayat and the matter relates to sending of folders and certificates of appointment of Panchayat teachers relating to the year, 2003 onwards and they have joined the present place of posting in the year 2014. It has been submitted that time and again letters were written to the Block Education Officer that the earlier Panchayat Secretaries had not handed over the said folders and certificates of the appointed Panchayat Teachers. He submits that the petitioners have no criminal history as is evident from para-3 of this application and they are Government Officials, as such there is no chance of absconding or tampering with the evidence and they undertake to fully cooperate with the investigation and produce the folders and certificates, whenever received by the then Panchayat Secretaries.

However, learned A.P.P. for the State submits that the matter is under investigation by the Vigilance and the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the petitioners being government officials undertake to co-operate with the investigation and produce all the documents and papers whenever available, appear as and when required by the Vigilance and also not to tamper with the evidence, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi (Okari) P.S.Case No. 81/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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