

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30455 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -PIPRA District- SUPAUL

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1. Shyam Sundar Mukhiya, Son of Devi Lal Mukhiya, Resident of Village- Sheonagar, P.S- Birpur, District- Supaul.
 2. Bhuplal Mandal, son of Nevi Mandal, Resident of Village & P.O.- Harhi, Tola- Aghan, P.S. & District- Supaul.
 3. Rajeshwar Mandal, son of Tej Narayan Mandal, Resident of village & P.O.- Veena, P.S. & District- Supaul.
 4. Md. Rashid, son of Late Haji Abdulla, Resident of Village- Chhithahi Hanumangar, P.S- Bhaptiyahi, District- Supaul.
 5. Gajendra Ram, son of Late Bodhi Ram, Resident of Village & P.O.- Veena, P.S & District- Supaul.
 6. Dinesh Kumar Dinkar, son of Jitan Prasad Yadav, Resident of Village & P.O.- Daharia, P.S.- Chhatapur, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate.
Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Aslam Ansari, A.P.P

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioners apprehend arrest in connection with Pipra P.S. Case No. 48 of 2016 dated 28.02.2016 registered under Section 409 of the Indian Penal Code.

The allegation against the petitioners is of not handing

over the records related to the employment in the concerned Panchayat and such appointment later on having been found to be based on forged and fabricated documents.

Learned counsel for the petitioners submits that the records were not handed over to them by the previous incumbent and thus, they cannot be held responsible.

Learned A.P.P. submits that the petitioners, being responsible for the custody of the documents required to be verified by the authorities, cannot take the plea that the same were not handed to them by the previous incumbent, as they themselves were also present at the relevant point of time when the selection was being made. It is further submitted that neither it has been pleaded nor is there any material to show that the said documents were not handed over to them by their predecessor or against the said persons any complaint or proceeding has been instituted before the competent authority. It is submitted that the matter relating to public employment, based on forged and fabricated documents, has a larger ramification, since the Constitution of India stipulates fair play in such transaction.

Considering the facts and circumstances of the case and the submissions of the parties, the Court is not inclined to grant anticipatory bail to the petitioners. The application, accordingly,

stands dismissed.

However, in the event the petitioners surrender and seek regular bail before the court below, within one month from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Sujit/-

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