

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47771 of 2016

Arising Out of PS.Case No. -214 Year- 2016 Thana -BELHAR District- BANKA

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Bishnudeo Prasad Yadav @ Bishundeo Yadav Son of Ram Bilash Yadav
Resident of Village: Takkipur, Police Station Fullidumar (Amarpur),
District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 22-11-2016

Heard Mr. Viveka Nand Singh for the petitioner and

Mr. M. Dayal, APP for the State.

The petitioner being Panchayat Secretary is facing prosecution under sections 166A and 409/34 of the Indian Penal Code vide Belhar P.S. Case No. 214 of 2016.

The allegation, in brief, is that under instruction, the petitioner was required to furnish the folders/details of the teachers enrolled between 2003 to 2014-15. Within the time granted, the petitioner submitted the document/folder of the teachers except of the teacher employed/appointed in 2006.

Referring to the statement made in the supplementary affidavit, it is stated that those documents were later furnished to him by the erstwhile Panchayat Secretary and were also forwarded to the authority for verification by the

Vigilance. This fact has been communicated to the I.O. also.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIIrd Banka in Belhar P.S. Case No. 214 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 bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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