

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37833 of 2016

Arising Out of PS.Case No. -191 Year- 2016 Thana -MADHUBANI TOWN District-
MADHUBANI

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Durga Nand Mishra Son of late Chandra Kant Mishra Resident of Village-
Lorika, Police Station- Benipatti, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhas Ranjan, Advocate

For the State : Smt. Rita Verma, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 20-09-2016

I have heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in a case registered
for offences punishable under Section 409 of the Indian Penal
Code.

As per allegation the petitioner was compulsorily
retired from service but he is not giving charge of Legal Cell and
“Kabir Antyeshthi Scheme”.

It is contended on behalf of the petitioner that
Government has asked the concerned Executive Officer of Nagar
Parishad to show cause as to under what circumstances, upon
showing the false certificate, the informant is working as

Executive Officer of Madhubani Municipality. However, the same is not in issue in the present proceeding. Learned counsel submits that he has forced the petitioner to handover charge to Class IV employee. This is also not in issue in the present proceeding. Lastly it is submitted that the petitioner is ready to handover the charge.

Having regard to the aforementioned facts and circumstances of the case, let the above named petitioner in the event of arrest/surrender before the court below within a period of six weeks from today be released on provisional anticipatory bail for three months in Madhubani Nagar P.S. Case No. 191 of 2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhubani subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

Further, the petitioner would be required to handover the charge within three months. The concerned Executive Officer of the Nagar Parishad would be obliged to issue such certificate to the petitioner. The certificate granted by the Executive Officer will be produced before the court below and on being satisfied, the provisional bail granted to the petitioner would be made

absolute. The aforesaid exercise should be completed within a period of three months.

Let learned counsel for the State communicate this order to the concerned Executive Officer of Nagar Parishad, Madhubani for doing the needful.

(Dr. Ravi Ranjan, J)

Spd/-

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