

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42303 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

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Birendra Kumar Singh S/o Late Manohar Singh Resident of Village-
Chacharia, presently posted as Panchayat Secretary Siswar, P.S.- Kudra,
District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-10-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Kudra P.S. Case No. 161 of 2016, disclosing offences under
Sections 175, 187, 188, 409 and 420 of the Indian Penal Code.

The allegation against the petitioner is that he did not
make available to the Vigilance Investigation Bureau team, the
registers and folders relating to various appointments made to the
post of Panchayat Teachers in Gram Panchayat Siswar where he is
presently posted as Panchayat Secretary. It is the submission made
on behalf of the petitioner that he joined as Panchayat Secretary,
Siswar in the year 2014 whereas appointments relate to the period



much before 2014. It is also his plea that after he joined as Panchayat Secretary, Siswar, he was not handed over the charge of files and folders relating to the said appointments. Pursuant to an order of this Court, a supplementary affidavit has been filed on behalf of the petitioner stating therein that before his posting at Siswar, he was posted from the year 2002-2004 under Bhabua Block, 2004-2007 under Mohania Block and 2004-2014 at Nuaon Block. It has been stated in the supplementary affidavit before being relieved from his earlier places of posting, he had handed over the charge of the documents relating to appointments made to the post of Panchayat Teachers. The documents in support of handing over charge have been brought on record by way of Annexure-5 to this application.

Considering the facts and circumstances of the case, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 161 of 2016, subject to the conditions as laid down under Section 438 (2) of the

Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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