

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47671 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -BIRPUR District- SUPAUL

=====

Raj Kishore Prasad Yadav @ Raj Kishore Prasad, son of Late Dukha Lal Yadav, Panchayat Secretary-cum-Member Secretary, Panchayat Employment Unit, Basantpur, resident of village Dighiya, Police Station Kisanpur, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun

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

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 08-11-2016

Heard the Counsel for the petitioner and Mr. Dayal,

APP for the State.

The petitioner is facing prosecution under Section 409 of the Indian Penal Code vide Birpur P.S. Case No. 54 of 2016 along with three other Panchayat Secretaries.

The Block Development Officer lodged the case that in spite of instruction, the petitioner did not make available the folders of the teachers appointed between 2003 till date. Referring to Annexure-3, it is stated that the petitioner took over as Panchayat Secretary of Basantpur Panchayat on 31.12.2015. It is further submitted that if the folders have not been provided that may be a case for initiating departmental proceeding against him but not the criminal proceeding as the records were not furnished

to him. It is also submitted that the other three accuseds of the case have been granted anticipatory bail vide order dated 17.09.2016 passed in Cr. Misc. No. 26708 of 2016.

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 A.C.J.M., Birpur (Supaul) in connection with Birpur P.S. Case No. 54 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)

Pankaj/-

U		T	
---	--	---	--