

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23720 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Jai Shankar Kumar S/o Naresh kumar Resident of Village- Auliyabad PS
Bhipur District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Kalyan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 26-05-2016 Heard learned counsels for the petitioner and the

State.

The petitioner being Panchayat Secretary is
apprehending arrest in a case registered for the offences
punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that Vigilance enquiry was
initiated in pursuance to an order passed by a Division Bench of
this Court in a PIL with regard to illegality committed in the
appointment of panchayat teachers. Subsequently, the
investigating agency issued direction to the Panchayat Secretaries
to submit folders with regard to such illegal appointment of
Panchayat teachers within a time frame. The petitioner failed to

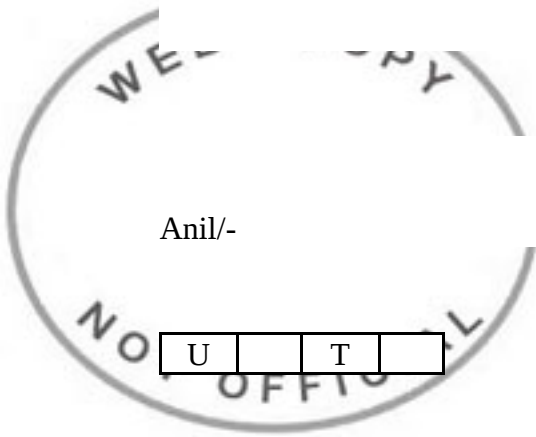
submit the folder.

It is submitted by the learned counsel for the petitioner that the petitioner was not given the charge of folders related to appointment of Panchayat teachers hence he could not submit the same before the concerned authority though an inconsistent statement has been made in paragraph 11 of the petition which suggests the kind of pleading advanced on behalf of the petitioner.

Considering the nature of accusation, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Kotwali Adampur P.S. Case No.85 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on filing of an affidavit by the petitioner before the learned court below that he will regularly cooperate in the investigation. The said affidavit will be transmitted by the learned court below to the concerned I.O. Non cooperation in the investigation will give liberty to the learned

court below to cancel bail bonds of the petitioner.



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(Dinesh Kumar Singh, J)