

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21711 of 2016

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

- =====
1. Ram Bilash Ravidas son of Suresh Das, resident of village Bahatra, P.O. & P.S. Raghapur, Dist. Bhagalpur.
 2. Fahim Harijan son of Veena Harijan, resident of village & P.O. Madarganj, P.S. Sanokhar, Dist. Bhagalpur.
 3. Suresh Rajak @ Suresh Prasad Rajak, son of Bhagat Rajak, resident of village & P.O. Ishipur, P.S. Ishipur Barahat, Dist. Bhagalpur.
 4. Somnath Uraon son of Sahdeo Uraon, resident of village Nayachak, P.O. Ishipur, P.S. Ishipur Barahat, Dist. Bhagalpur.
 5. Banarsi Rajak son of late Roshan Rajak, resident of village- Baijachak, P.S. Sanhaulla, Dist-Bhagalpur.
 6. Bindeshwari Muni son of late Mahadeo Muni, resident of Mahdatpur, P.S. Naugachia, Dist-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr.M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-05-2016 Heard the counsel for the petitioners and the Mr.
Dayal APP for the State.

The petitioners are Panchayat Secretaries of different panchayats and apprehend their arrest in connection with Kotwali (Adampur) P.S. case no. 85 of 2016, registered under Sections 409 and 420 of the IPC.

At the orders of this Court passed in a Public Interest Litigation, a Vigilance enquiry is said to have been instituted in which the District Programme Officer (Establishment) –cum-

Nodal Officer of the Education Department demanded folder/record in respect of the Teachers appointed in the Primary school for verification of their certificates/documents. It is alleged that the petitioners did not furnish.

The contention of the petitioners the folders of the year 2003, 2004 and 2005 could not be furnished to them when they all joined in the respective Panchayats after 2006. The petitioners, if granted the privilege of anticipatory bail, shall render full assistance in the investigation of the case.

Considering the nature of the allegation and the fact that some other accused persons have been granted the privilege of anticipatory bail vide Annexure-2, I am inclined to extend the privilege to all the accused persons.

Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S. case no. 85 of 2016, corresponding to G.R.No. 658 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-



- (i) One of the bailors shall be the own/close family member of the petitioner(s).
- (ii) As soon as the charges are framed the petitioner(s) shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner(s) and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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