

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24287 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -KUTUMBA District- AURANGABAD

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1. Surendra Kumar Singh (Gram Panchayat Sachiv Matpa Gram Panchayat, Son of Late Raja Ram Singh, resident of Village Bihta, P.S. Haspura, District – Aurangabad.
 2. Arjun Kumar @ Arjun Kumar Singh, (Panchayat Secretary Gram Panchayat Dadhpa Kutumba Son of Mahadeo Singh, Resident of Village – Tirkha, P.S. Bodh Gaya, District – Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Sunil Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 31-05-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code.

The prosecutions case is that the vigilance enquiry was initiated in pursuance to an order passed by a Division Bench of this Court in a PIL with regard to illegal appointment of Panchayat teachers, consequently investigating agency directed all the panchayat secretaries to submit folders and conforming educational certificates of all the teachers who were appointed but the petitioners failed to

submit the same.

It is submitted by learned counsel for the petitioners that the petitioner No. 1 received the charge of the record or folder file with regard to appointment of panchayat teachers of the year 2012 only, which has been submitted by the petitioner No.1 before the authorities. The petitioner no.2 received the charge of such documents of the year 2012-13 and he also submitted them. Statements to that effect have been made in paragraph Nos.11 to 13 of the petition, which read as:-

“11. That it is humbly and respectfully submitted that record with file of appointment of primary teachers in the year 2012 to the office of Koshang.

12. That petitioner No.1 has also submitted that record with folder file regarding the appointment of the teacher of Matpa Gram Panchayat of the year 2012, in the office of Koshang and also same has been saved through registered post. A true photo copy of the registered receipt is annexed herewith and marked as Annexure-3 to this application.

13. That it is humbly and respectfully submitted that petitioner No.2 also submitted the record with folder filed of the appointment of the teacher of Dadhapa Gram Panchayat of the year 2012 to 2013. A true photo copy of the registered receipt is annexed herewith and marked as Annexure- to this application.”

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners

above named in the event of their arrest or surrender before the Court below within a period of twelve weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Aurangabad in connection with Kuttumba P.S. Case No. 21 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners will be accepted by the learned Court below on filing affidavit to the effect that they will co-operate in the investigation. The none cooperation in investigation will give liberty to the learned Court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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