

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23866 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

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1. Mir Hasan Ansari son of Late Hanif Ansari, resident of village-
Keshodih, P.S.- Bikramganj, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramji Rai son of Late Jawala Rai, the Block Education Officer Dinara,
District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-05-2016 Heard learned counsel for the
petitioner and the State.

The petitioner being the Panchayat Secretary is apprehending his arrest in a case registered for the offences punishable under Sections 409, 420, 120, 201 of the Indian Penal Code.

The prosecution case is that in pursuance of an order passed by a Division Bench of this Court in a P.I.L. with regard to irregularities in appointment of Panchayat Teachers the Vigilance enquiry was initiated. The Vigilance during the enquiry requested the Panchayat Secretary to submit the respective folders and certificates of the Panchayat Teachers within stipulated time. The petitioner failed to submit the same.

It is submitted by the learned counsel for the petitioner that petitioner submitted the folders and certificates in January, 2016 to the extent of charge being given to him. Statement to that effect has been made in para-12 of the petition which reads as follows:-

“That it is further submitted from the above facts it is clear being a Panchayat Secretary join the concerned Panchayat in 2014 he is only entitled to keep the records which was handed over at the time of handing over of the charge and on the basis of that he has submitted the folder in January, 2016 itself but without asking and taking action against the Gram Panchayat the concerned Mukhiya and Panchayat Secretary who were took part in a appointment process and the members of Niyojan Committee. Petitioner being a present Panchayat Secretary has been made accused for no fault on his own part.”

Considering the nature of accusation, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bikramganj in connection with Natwar P.S. Case No. 23 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the

effect that he will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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