

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24860 of 2016

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

- =====
1. Dilip Kumar, son of Jagdish Mandal, resident of village and post Office Goradih, Police Station Lohipur, District Bhagalpur
 2. Birendra Kumar Singh, son of Late Shri Ram Singh, resident of village Tamaini, Post Office Simariya, Police Station Nathnagar, District Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. B.Ram (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 23-06-2016 The certified copy of the First Information Report of Kotwali (Adampur) Police Station Case No. 85 of 2016 has been filed on behalf of the petitioners, let the same be kept on record.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kotwali (Adampur) Police Station Case No. 85 of 2016, disclosing offences under Sections 409 and 420 of the Indian Penal Code.

At the relevant point of time, the petitioner no. 1 was posted as Panchayat Secretary of Jagdishpur

Panchayat, in the district of Bhagalpur; whereas, the petitioner no. 2 was posted as Panchayat Secretary of Korma Panchayat, in the district of Bhagalpur.

It is alleged against them that they failed to make available to Vigilance Officials the relevant records pertaining to selections and appointments made on the posts of Panchayat Teachers under the said Panchayats.

Learned Counsel for the petitioners has submitted that no offence under Section 409 or 420 of the Indian Penal Code is made out against these petitioners. He further submits that the petitioners have already supplied the records which they had received after taking over charge and such documents, which could not be supplied to the petitioner after they assumed charge, could not be made available to the Vigilance Officials.

Be that as it may, considering the accusation and in the facts and circumstances, this application is allowed.

Let the petitioners, namely, Dilip Kumar and Birendra Kumar Singh, in the event of their arrest or surrender before the Court below within six weeks, 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) Police Station Case No. 85 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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