

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36025 of 2016

Arising Out of PS.Case No. -109 Year- 2016 Thana -BRAHMPUR District- BUXAR

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1. Ashok Kumar Singh, son of Ramjee Singh, resident of village Kathar, P.S.- Krishna Bramh, District- Buxar.
 2. Baban Singh, son of Shiv Nath Singh, resident of village Bhorchakiya, P.S.- Itarhi, District- Buxar.
 3. Surendra Nath Thakur, son of Late Garjan Thakur, resident of village Gangauli, P.S.- Simari, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 26-09-2016

Heard the Counsel for the petitioners and the APP

for the State.

The three petitioners herein are the Panchayat Secretaries and are accused of Bramhpur P.S. Case No. 109 of 2016 registered under sections 409 and 420 of the Indian Penal Code.

The allegation is that in spite of instruction, they did not produce the certificates/records with respect to the appointment made in the year 2003 and onwards on the post of Panchayat Shiksha Mitra/Panchayat Teacher. It is submitted with reference to the Annexures-2, 3 and 4 that they joined the office of the concerned Panchayat as Panchayat Secretary very recently and



all documents were not furnished to him by the outgoing Panchayat Secretaries. It is submitted that if the documents were not produced, it may be a case of dereliction of duty but surely no culpability can be attached. Counsel further submits that in identical circumstance, one another Panchayat Secretary, made accused, has been released on anticipatory bail vide order dated 16.09.2016 passed in Cr. Misc. No. 39423 of 2016.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in Bramhpur P.S. Case No. 109 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioners and secure their arrest in
accordance with law.

(Kishore Kumar Mandal, J)

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