

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43346 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -BANSHI District- JEHANABAD

1. Sri Upendra Prasad, Son of Ram Swaroop Prasad,
Resident of Village- Hirday Bigha, P.S.- Makhdumpur,
District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Lalan Kumar

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

ORAL ORDER

2 26-10-2016

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Banshi P.S. Case No. 13 of 2016, disclosing
offences under Sections 420 and 409/34 of the Indian Penal
Code.

The petitioner is working as Panchayat Secretary
of Khadasin and Sherpur Gram Panchayats in the district of
Arwal. Allegedly, he did not make available the relevant
files/folders relating to appointments made to the post of
Panchayat Teachers in the said Gram Panchayats, which

were made during the previous years.

Learned counsel for the petitioner has submitted that the petitioner joined the present place of posting on 27.08.2012 and, thereafter, no appointments to such post have been made. After joining at the present place of posting, the petitioner was not handed over the said registers/folders, pertaining to appointments made to the post of Teachers by his predecessor. It has, accordingly, been submitted on behalf of the petitioner that he was unable to make available those documents, which were not there in his custody.

A supplementary affidavit has been filed on behalf of the petitioner stating therein that before being relieved from his earlier place of posting, he had handed over the charge of such documents to his successor and there is no criminal case pending in relation to the place where he was posted before his present place of posting.

Considering the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Arwal**, in

connection with **Banshi P.S. Case No. 13 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 petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

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