

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41073 of 2016**

Arising Out of PS.Case No. -109 Year- 2016 Thana -KARPI District- JEHANABAD

- =====
1. Ram Sewak Yadav son of late Bleshwar Prasad resident of Village-Mande Bigha, P.S.- Jehanabad, District Jehanabad.
  2. Md. Ayub Ansari son of Md. Alimuddin Ansari, resident of Village-Badhar, P.S.- Jehanabad, District- Jehanabad.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Madan Jeet Kumar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, A.P.P.

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

2      27-09-2016                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Karpi (Sahar) Telpa P.S. Case No. 109 of 2016, disclosing offences under Sections 420 and 409/34 of the Indian Penal Code.

The petitioner No. 2 is the present Panchayat Secretary of Gram Panchayat (Sahar) Telpa whereas petitioner No. 2 is his predecessor. It has been alleged against both of them that they failed to make available to the Vigilance team, the folders and registers relating to appointments made on the basis of Panchayat Teachers in the said block during the Year 2003, 2005, 2006, 2008 and 2012. The State Vigilance is investigating into fraudulent

appointments made to the posts of Panchayat Teachers.

Learned counsel for the petitioners has submitted that folders and documents relating to two teachers, which were available with the petitioner No. 2, have been handed over to the Vigilance Bureau. He has further submitted that neither petitioner No. 1 nor the petitioner No. 2 had received any folder or document relating to appointments of Panchayat Teachers during years 2003, 2005, 2006 and 2008. He has also submitted that way back in the year 2010 First Information Report was lodged against the predecessor of petitioner No. 1 for having not handed over the charge of the documents relating to appointments to the post of Panchayat Teachers.

It has further been submitted that so far as these petitioners are concerned, no offence under Sections 420 and 409 of the Indian Penal Code is made out as there is no allegation against the petitioners of having any undue advantage in any manner whatsoever.

Let the petitioners, above-named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in

connection with Karpi (Sahar) Telpa P.S. Case No. 109 of 2016, subject to the conditions as 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)**

Vats/-c

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