

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42662 of 2016

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Nageshwar Prasad Yadav, Son of Kashinath Prasad Yadav, resident of
Village- Vishunpur, P.S.- Katoriya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 27-10-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Shambhuganj P.S. Case No. 86 of 2016, disclosing offences
under Sections 166A and 409/34 of the Indian Penal Code.

The allegation against the petitioner is of failure on his
part to make available the registers and folders relating to
appointments made to the post of Siksha Mitra/Panchayat
Teachers in Kamatpur Panchayat in the district of Banka. The
petitioner is posted as Panchayat Secretary of the said Gram
Panchayat. It is the stand on behalf of the petitioner that he
assumed the charge of Panchayat Secretary of Kamatpur
Panchayat on 02.11.2014 and the documents which are being

demanded from him relate to the period much before the date of his joining. According to him, the charge of the documents relating to the said appointments was not handed over to the petitioner by his predecessor when he joined as Panchayat Secretary of Kamatpur Panchayat.

A supplementary affidavit has been filed on behalf of the petitioner stating therein that while being relieved from his earlier places of posting as Panchayat Secretary, the petitioner had handed over to his respective successors, similar documents relating to appointments to the post of Siksha Mitra/Panchayat Teachers.

Learned counsel for the petitioner has further submitted that no offence under the provisions of Indian Penal Code is made out on the basis of what has been alleged in the First Information Report against the petitioner.

Considering the submissions 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka

in connection with Shambhuganj P.S. Case No. 86 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 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-c

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