

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24024 of 2016

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

- =====
1. Abu Ahkam Son of Late Ibrahim resident of village - Samastipur Harnath, P.S. Shahkund, District - Bhagalpur
 2. Rashid Ansari Son of Late Rasul Ansari resident of village - Dariyapur, P.S. Sajour, Shahkund, Distt. - Bhagalpur

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners being Panchayat Secretary are apprehending arrest in a case registered for the offences punishable under Sections 409/420 of the Indian Penal Code.

Prosecution case is that in pursuance of an order passed by a Division Bench of this Court in a PIL, the Vigilance enquiry was initiated with regard to the illegality committed in the appointment of 'Panchayat Teachers'. Consequently, the investigating agency directed the Panchayat Secretaries to submit the folders containing certificates of such appointed 'Panchayat Teachers' within the stipulated time frame but the petitioners failed

to submit the respective folders.

It is submitted by learned counsel for the petitioners that the petitioner no.1 has already submitted the relevant documents to the concerned authority on 27.02.2016 with regard to appointment of panchayat teachers made in 2008. A statement to that effect has been made in paragraph 13 of the petition which reads as follows :-

"That it is stated that after the case was registered, the petitioner no.1 deposited the photo copies of papers relating to employment of teachers of Panchayat teachers of the year 2008 which contains the register of employment of Elementary teachers of the year 2008..."

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No.85/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of the affidavit by the petitioners before the learned court

below to the effect that they will regularly co-operate in the investigation. Non-cooperation in the investigation by the petitioners will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

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