

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47974 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -KURTHA District- JEHANABAD

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1. Raja Ram Sharma S/o Late Jharkhandi Singh, R/o Village + PO- Panjour,
P.S.- Parasbigha, District- Jehanabad at present posted at Panchayat
Secretary, Gram Panchayat Pinjarawa, within the Block Kurtha, District
Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 09-12-2016

Heard both sides.

The prayer for anticipatory bail is made in connection with Kurtha P.S. Case No. 120 of 2016, registered under Sections 188, 353, 409, 420, 467 and 468/34 of the IPC.

The Block Education Officer lodged the case that in spite of instruction/direction issued by the Vigilance Investigation Bureau, petitioner being the Panchayat Secretary did not provide folder/ file relating to the appointment of the teachers.

Learned counsel for the petitioner states that actually the petitioner was not posted in the said Gram Panchayat, and as such, he could not submit some of the papers relating to the appointment of the teachers. It may be a case of disobedience of



the direction of the Authority entailing departmental proceeding but no criminal liability can be fastened. It is stated that few other accused persons having identical allegations have been privileged with anticipatory bail. In this regard, he has been referred to the two orders dated 20.05.2016 and 29.11.2016 passed in Cr. Misc. no(s). 19955 of 2016 and 38464 of 2016 respectively.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal in connection with Kurtha P.S. Case No. 120 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 bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the



trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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