

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25384 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -SIKANDARA District- JAMUI

Manoj Kumar Rajak, son of Sri Narayan Rajak, resident of Village-
Thaman, P.S.- Sono, Distt- Jamui, at present posted as Panchayat Secretary
in Block Sikandra taking charge of Panchayat Sikandra Gokhala Fatehpur
and Sinhaudi, P.S.- Sikandra, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-08-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Sikandra P.S. Case No. 23/16 for offences alleged under Sections
188, 406, 409, 420 of the Indian Penal Code.

The prosecution case, as lodged by the Block
Education Officer, Sikandra on his written report, is that the
petitioner as Panchayat Secretary under Sikandra Block has not
deposited the entire documents and papers relating to four gram
panchayts allotted to him as detailed in the First Information
Report, which was required for inquiry and investigation in the
vigilance case which was pending for investigation and inquiry of
all fake and forged appointments of Panchayat Teachers.



It has been submitted by the learned counsel for the petitioner that he joined Sikandra Block on 31.07.2013 and with the four gram panchayats allotted to him he had written letter to the Block Education Officer way back on 23.06.2015 which finds place at Annexures-3, 4 and 5 series that the earlier Panchayat Secretary had not handed over to him the documents relating to appointment of Panchayat Teacher. As for Sighauri Gram Panchayat he submits that whatever documents and papers relating to appointment of Panchayat Teachers handed over to him has been submitted on 23.06.2015 itself, hence, there could be no allegation of withholding the documents and papers relating to appointment of Panchayat Teachers appointed long back. He further submits that being a Government official a civil proceeding could have been drawn for dereliction or negligence in duties and, as such, no case under the aforesaid Sections of the Indian Penal Code could have been instituted against him.

However, learned APP for the State submits that the petitioner has not submitted the documents necessary for proper vigilance investigation relating to appointment of Panchayat Teachers and is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is a

Panchayat Secretary holding Government office and the allegation is of not submitting the documents and papers of the Panchayat Teachers appointed long back in which vigilance case is pending and the petitioner having joined on 31.07.2013, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 2nd, Jamui, in connection with Sikandra P.S. Case No. 23/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Rajesh/-

(Nilu Agrawal, J.)

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