

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39153 of 2016

Arising Out of PS.Case No. -380 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

Yadunath Singh, son of Late Sankatha Singh, Panchayat Secretary
(Akhalspur), Resident of Village-Rohua, P.S.-Durgawati, District-Kaimur
(Bhabhua) Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 05-10-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bhabhua P.S. Case No. 380 of 2016 registered under
Sections 166, 175, 176, 406 and 420/34 of the Indian Penal
Code.

In the FIR, the allegation against the petitioner is that
appointment folder of the Panchayat Teacher for the year 2003,
2005, 2006 and 2008 has not been given by the petitioner even
after direction of the senior officers.

It is submitted that the Block Development Officer,



Bhabhua had lodged Bhabhua P.S. Case No. 123 of 2016 against the petitioner for the offences under Sections 166, 175, 176, 406 and 420/34 of the Indian Penal Code for not providing the folder of the Panchayat Teacher of location Bahuan and Akhalaspur for the different year and the present case against the petitioner has been instituted for the similar offences for not providing the folder of the Panchayat Teacher of location Akhalaspur. It is further submitted that in both the cases Block-Akhalaspur is mentioned, which clearly establishes that the two FIRs has been registered for the same offence for not providing the folder of the Panchayat Teacher for the year 2003, 2005, 2006, 2008 and 2012.

The next contention of the petitioner that no appointment on the post of the Panchayat Teacher from the date on which the petitioner had taken charge and, thus, the allegation levelled against him is false. It is also contended that the petitioner has already been granted pre-arrest bail in connection with Bhabhua P.S. Case No. 123 of 2016 vide order dated 31.03.2016 passed in Cr. Misc. No. 13747 of 2016.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he concedes that in an identical case, the petitioner has

already been granted the privilege of pre-arrest bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 380 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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