

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53925 of 2016

Arising Out of PS.Case No. -56 Year- 2016 Thana -BELHAR District- BANKA

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1. Shiv Narayan Yadav S/o Late Dwarika Yadav Resident of village -
Dudhijharna, Police Station - Fullidumar, District - Banka, at present posted
as Panchayat Secretary of Gram Panchayat Jhikulia and Dumari, Anchal -
Belhar, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 21-12-2016 Heard the Counsel for the petitioner and Mr. Dayal, APP for
the State.

Petitioner prays for grant of anticipatory bail in Belhar P.S.
Case No. 56 of 2016 registered under sections 166(A), 409/34 of
the Indian Penal Code.

The allegation is that in spite of direction issued by the
authority, the petitioner, being Panchayat Secretary of two
Panchayats, did not furnish the relevant records/file of the
Panchayat Teacher for verification/enquiry.

Contention of the petitioner is that the relevant records of
the Panchayat Teacher in Dumariya Panchayat were made over to
him on 19.12.2016 and 25.02.2016 which was furnished to the
authority on 26.02.2016 vide Annexure-2. Similarly, the records



of the Panchayat Teacher employed in Jhikulia Panchayat were also received by him on 16.02.2016 which were forwarded to the authority vide Annexure-3. It is stated that one of the co-accuseds of this case, considering the above facts, have been granted privilege of anticipatory bail vide order dated 17.09.2016 passed in Cr. Misc. No. 35353 of 2016 (Annexure-4).

Mr. Dayal, on going through the statements made in the bail application and the relevant records, states that these facts have been stated in the paragraphs 12 and 13 of the application. There are documents attached in support thereof.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Banka in Belhar P.S. Case No. 56 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 bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case



of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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