

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33859 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -JOKIHAT District- ARRARIA

Hira Lal Das Son of late Moti Lal Das Resident of Village- Kundalay,
Police Station- Baisi, District Purnea, the Panchayat Secretary, Gram
Panchayat Chilhania, Police Station- Jokihat, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016

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

Petitioner apprehends arrest in connection with
Jokihat (Mahalgaon) P.S. Case No. 88/16 for offence alleged
under Section 409 of the Indian Penal Code.

The prosecution case, as lodged by the Block
Education Officer, Jokihat is that petitioner being Panchayat
Secretary of Chilhania Gram Panchayat has not submitted
certificates and folders relating to appointment of Panchayat
Teachers for which enquiry is conducted by the Vigilance
Department in pursuance to the orders of this Court.

It has been submitted by the learned counsel
for the petitioner that petitioner has joined as Panchayat Secretary,



Chilhania Gram Panchayat only on 25.06.2015 and the previous Panchayat Secretary, namely, Afaque Alam has not given him any documents or certificates relating to appointment of Panchayat Teachers in the said panchayat. In this connection counsel for the petitioner submits that in the charge report dated 25.06.2015 it has been stated by the petitioner that he has not received any document or certificate relating to the said gram panchayat. In his joining report and on 30.07.2015 he has written letter to the Block Education Officer that the earlier Panchayat Secretary has not given him charge of certificates and documents relating to the appointment of Panchayat Teachers in the said panchayat. It has further been submitted that petitioner will make available whatever folders and certificates are handed over to him by the earlier Panchayat Secretary and will cooperate with the investigation.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is a Government official on the post of Panchayat Secretary in the said Gram Panchayat and has not received the documents relating to appointment of Panchayat Teachers from the then Panchayat

Secretary, 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 S.D.J.M., Araria, in connection with Jokihat (Mahalgaon) P.S. Case No. 88/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is, however, made clear that as per undertaking of the petitioner he will cooperate with the investigation and submit all the documents and certificates relating to appointment of Panchayat Teachers as and when made available to him by the then Panchayat Secretary and if it is brought to the notice of the learned court below that the petitioner is not cooperating with the investigation and has concealed the folders and certificates relating to appointment of Panchayat Teachers in future, learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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