

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 9817 of 2016

Arising out of P.S. Case No. - 21 Year - 2015 Thana - KIHIRI MORE District - PATNA

SHRAWAN KUMAR @ SHARWAN KUMAR, Son of Late Gopi Nath Pandey, Resident of Village - Tekari, P.S. - Gaya, District - Gaya, at present resident of Diwan Mohalla, P.S. - Patna City, District - Patna
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Singh, Advocate
Mr. Bipin Kumar, Advocate

For the Opposite Party : Mr. Shantanu Kumar, A.P.P

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehending his arrest in connection with Khiri More P.S. Case No. 21 of 2015 registered for the offences punishable under Sections 406, 409, 420, 465, 467, 468 and 477A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is the Circle Officer, Paliganj has acted only on the enforcement orders issued by the PACCS Chairman and he has no role to play in the issuance of any orders. If, at all, the order which was issued was forged, the petitioner cannot be held responsible for the same. He further submits that, at best, the petitioner can be guilty of dereliction of duty of not having verified the enforcement

orders and having acted mechanically causing loss to the State. Such an act of dereliction of duty would, at best, attract a disciplinary proceeding against the petitioner and that no criminal liability can be fastened on him as, admittedly, the enforcement orders were issued by the PACCS Chairman and not the present petitioner.

Having heard learned counsel for the petitioner and after perusal of the materials which have been placed on record including the report of the Land Reforms, Deputy Collector, Paliganj, Patna contained in letter no. 607, dated 24.04.2015 which has formed the basis of the present prosecution, it appears that the forged orders in question was issued by the PACCS Chairman and has been acted upon by the present petitioner.

Considering the nature of allegations, the another co-ordinate Bench of this Court in another police station bearing Sigori P.S. Case No. 38 of 2015 has extended the privilege of anticipatory bail to the petitioner in Cr. Misc. No. 8997 of 2016 vide order dated 12.05.2016. Another such order has also been passed in favour of the petitioner in Cr. Misc. No. 11975 of 2016 along with Cr. Misc. No. 9958 of 2016 vide order dated 11.05.2016.

In view of aforementioned facts and circumstances of the case, let the petitioner, above named, in the event of his arrest

or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, be directed to be enlarged 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 Judicial Magistrate-1st Class/concerned Court, Danapur in connection with Khiri More P.S. Case No. 21 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. It is made clear that the petitioner shall make himself available as and when required in the investigation and on completion of investigation and submission of charge-sheet shall make himself available in the learned court below at all material times without absenting himself therefrom for more than two consecutive dates without any reasonable cause.

(Anjana Mishra, J.)

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