

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17007 of 2016

Arising Out of PS.Case No. -123 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

1. Madan Mohan Pal @ Madan Mohan son of Late Haridwar Pal, resident
of village- Isari, P.S.- Durgawati, Distt.- Kaimur (Bhabua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Uday Chandra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 26-04-2016

Heard the Counsel for the petitioner and Mr. Uday

Chandra Prasad, APP for the State.

For non-compliance of the instruction issued by the authority in the light of order of this Court, the F.I.R. was lodged against seven named accused persons including the petitioner who took over the charge of the Office of Panchayat Secretary of Dumdum Gram Panchayat in the district of Bhabhua. The Block Education Officer lodged the F.I.R. under Sections 166, 175, 176, 420, 406/34 of the Indian Penal Code and hence the apprehension.

It is stated that the petitioner joined the post of Panchayat Secretary on 08.06.2014 whereafter no appointment of Prakhand Teacher/Panchayat Teacher was made in the said Gram Panchayat. In the circumstances, he could not furnish the folders as the previous folders of the teachers were not provided by the erstwhile Panchayat Secretary. Considering the same, it is stated, the two accused persons have been granted anticipatory bail by

this Court vide order dated 31.03.2016 passed in Cr. Misc. No. 13747 of 2016.

Be that as it may, considering the fact that some other co-accuseds of this case have been privileged with anticipatory bail, I direct that 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 Chief Judicial Magistrate, Kaimur (Bhabhua) in Bhabhua P.S. Case No. 123 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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