

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21834 of 2016

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Brahmdeo Singh, Son of Late Ram Parichan Singh, resident of Rupas, Tole
Babu Ram Bihal Singh, PO- Ramnagar Karari, PS- Athmalgola,
Subdivision- Barh, District- Patna Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Mukesh Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 25-05-2016

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

The petitioner seeks pre-arrest bail in connection
with Siwan Town P.S. Case No. 289 of 2015 registered under
Sections 409 and 379 of the Indian Penal Code.

It is contended that the petitioner is an old man aged
about 65 years who retired from service on 30.04.2011 on
attainment of the age of superannuation. The instant case has
been filed after four years of his retirement and in respect of the
allegation made in the FIR, no complaint was made while he
was in service.

It is further submitted that no disciplinary proceeding

was ever initiated against the petitioner in respect of offence alleged and after retirement, no dues certificate was granted to the petitioner by the Nagar Parishad on the basis of which pension and other retiral dues is being paid to the petitioner. It is also submitted that the alleged missing report was handed over to the then Incharge of the record and, hence, no liability can be fixed on the petitioner for missing of any record.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

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, Siwan in connection with Siwan Town P.S. Case No. 289 of 2015 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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