

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35013 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -ITADHI District- BUXAR

Harendra Ojha Son of Late Ram Ekram Ojha @ Ram Ekbal Ojha resident
of Village- Barka Singhanpur, P.S.- Simri, District- Buxar.

.... Petitioner/s

Versus

1The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-09-2016 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Itarhi P.S. Case No. 66 of 2016 for the offences alleged under
Section 409 of the Indian Penal Code.

The prosecution case is that the petitioner while posted as
Panchayat Secretary has not handed over the certificates and
folders related to appointment of Panchayat Teachers, as large
number of illegalities have been found in their appointment in
pursuance to which, and on the order of this Court, vigilance case
is instituted and is under investigation.

Learned counsel for the petitioner submits that he has taken
charge of the three Panchayats namely, Atrouna, Bikram English



and Bijhoura of Itarhi Block in the year 2010 and the Panchayat Secretaries of the said Panchayats have handed over charge to him in the year 2012, 2013 and 2014 respectively. He submits that he has not been handed over charge of the folders of the aforesaid Panchayat Teachers and he has already handed over folders of the appointed Panchayat Teachers as per requisition during his tenure. He submits that he has written a number of letters to the then Panchayat Secretary of the said three Panchayats to hand over the folders but have not yet received and will make available as and when he receives them. He further submits that the petitioner has no criminal history as is evident from Para 3 of this application.

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

Be that as it may, let the petitioner, above named in the event of his arrest/surrender before the learned court below within a period of eight weeks from today, be released 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 Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 66 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

However, it is made clear that the petitioner will co-operate with the police as well as with the Vigilance Department in investigation and provide all papers in his custody and appear before the Police/Vigilance Department as and when required. In case the petitioner does not appear on two consecutive dates without assigning any reason, the learned court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

Prakash/-

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