

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19911 of 2016

Arising Out of PS.Case No. -8 Year- 2016 Thana -KURSAKANTA District- ARRARIA

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1. Urmila Devi wife of Shyamlal Mandal, resident of village-Sajhhia Rahatmina
 2. Pramodanand Jha, son of Late Hari Jha, resident of village-Rahatmina
 3. Mohan Mukhia son of Ratti Lal Das, resident of village-Navtolia
- All resident under P.S. Kurusakanta, District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 03-08-2016 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioner No. 1 being the Ex-Mukhiya and petitioner Nos. 2 and 3 being the Teacher's Representatives of the Appointment Committee constituted for conducting appointments with regard to 2006 Selection Committee for appointment of Panchayat teachers, are apprehending their arrest in connection with a case registered for the offences punishable under Sections 468/471/420/188/ 220/120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the present First Information Report has been lodged after a long period of time in which there was a prolonged litigation with regard to the appointment of Panchayat teachers. The said litigation emanated



out of an advertisement issued for appointment of Panchayat teachers in the year 2006 itself. Such appointments came to be challenged in a litigation which ended vide an order passed by the District Teachers' Appointment Appellate Authority, Araria in Case No. 30 of 2009. The said order passed by the Appellate Authority came under challenge before this Court in C.W.J.C. No. 7053 of 2009 and other analogous cases. In the said writ application, this Hon'ble Court vide its order dated 08.09.2011 dismissed the writ application, but at the same time, gave certain directions for setting up a fresh Selection Committee in which the Mukhiya and the Panchayat Secretary would not be a part of the said Committee. The aforementioned order was affirmed in an *intra* Court appeal which subsequently travelled up to the Hon'ble Apex Court. Both the Courts dismissed the appeals filed by the petitioner of the said writ application and ultimately, the order of the Appellate Authority was upheld. Thus, the observation which forms part of the order in the writ application also came to be upheld.

Learned counsel for the petitioners submits that the petitioners having been removed in pursuance of the order passed in the said writ application, could not have participated in any Selection Committee and, therefore, the present First Information Report lodged against them that they have not completed the

appointments as per the directions passed by the Court, is wholly uncalled-for and mischievous.

After hearing learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State, it appears that the contention of the petitioners at the present point of time, appears prima facie to be correct.

In view of such facts and circumstances, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria in connection with Kursakanta P.S. Case No. 08/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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