

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24087 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -NATWAR District- SASARAM (ROHTAS)

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1. Shailendra Kumar Son of Late Janardan Chaudhary, resident of Village-
Udaypur, Police Station- Sanjahuay, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramji Rai son of Late Jawala Rai, the Block Education Officer, Dinara,
District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-05-2016

Heard learned counsel for the

petitioner and the State.

The petitioner being the Panchayat Secretary is apprehending his arrest in a case registered for the offences punishable under Sections 409, 420, 120, 201 of the Indian Penal Code.

The prosecution case is that in pursuance of an order passed by a Division Bench of this Court in a P.I.L. with regard to irregularities in appointment of Panchayat Teachers, Vigilance enquiry was initiated. The Vigilance during the enquiry requested the Panchayat Secretaries to submit the respective folders and certificates of the Panchayat Teachers within stipulated time. The petitioner failed to submit the same, as a result the First Information

Report has been registered.

It is submitted by the learned counsel for the petitioner that petitioner was only given the charge of documents relating to the teachers except for the year 2014-15 which was submitted in the office of Block Education Officer, Dinara on 02.01.2016. Statement to that effect has been made in paras-11 and 12 of the petition which reads as follows:-

“11. That the petitioner who was posted as Panchayat secretary of Balia Gram Panchayat the earlier Panchayat Secretary namely Arun Kumar Singh of Baliya Gram Panchayat had handed over the charge of the Gram Panchayat on 26.07.2014 and bare perusal of the charge list no documents relating to either Panchayat Siksha Mitra appointment or Panchayat Teacher Appointment was handed over to the petitioner except of the year 2014-15.

12. That later on when the directions were issued by the authorities to provide the folder relating to Teachers Appointment petitioner has submitted received folder of Baliya Gram Panchayat in the office of Block Education Officer Dinara on 02.01.2016 as also annexing the photo copy of the handing over of the charge list whatever the documents which was received by petitioner the same has been submitted. ”

Considering the nature of accusation, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional

Judicial Magistrate, Bikramganj (Rohtas) in connection with Natwar P.S. Case No. 23 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The learned court below will get the said affidavit transmitted to the concerned I.O. The non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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