

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34536 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Sudarshan Thakur son of Late Ayodhya Thakur, R/o Mohalla- I.T.I. Colony, Bettiah, P.S. + District- Bettiah, At present Clerk +2 Marbawari Inter College, Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Md.Sufiyan(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

5 08-01-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 409, 420, 467, 468, 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the allegation has been made against this petitioner that he had taken the fees and forms of 126 independent candidates for appearing at the +2 examination, the petitioner was unwell and had been absent from school on the dates so referred to. She further submits that the petitioner was taking treatment at the relevant period and two persons namely, Sanjeev Kumar Rajak and Jamir Anwar had been performing the duty of filling up of forms and collecting fees. This fact has surfaced during the course of investigation.

Learned counsel appearing on behalf of the State after referring to several paragraphs of the case diary submits that in fact, it has come on record that the petitioner had been absent from the school with effect from 28.11.2014 which fact was reported on 20.12.2014 vide letter No. 229 by the Principal, to the office of the District Education Officer, Katihar. He further submits that in paragraphs No. 37 and 38 of the case diary, it has surfaced that in fact the petitioner had been absent and task of filling up of forms was performed by the aforesaid two teachers.

Considering the aforementioned facts and circumstances of the case and that the petitioner is a school clerk who has been functioning and has no criminal antecedent, let the petitioner, in the event of his 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) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No. 21 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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