

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16240 of 2017

Arising Out of PS.Case No. -163 Year- 2016 Thana -GARAUL District- VAISHALI(HAJIPUR)

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Ram Dayal Paswan, Son of Late Jamun Paswan Resident of Village-Malpur, P.S.-Patepur, District-Vaishali at Hajipur (Bihar) at Present Panchayat Secretary, Gram Panchyat Raj Chandpura, P.S.-Raghopur, District-Vaishali at Hajipur (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-05-2017 Heard both sides.

The petitioner apprehends his arrest in Goraul (Kathara O.P.) P.S. Case No. 163 of 2016 registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

The Block Education Officer, Chehrakalan alleged that the petitioner did not produce the merit list and misinformed the authority for which Chehrakalan P.S. Case No. 398 of 2012 was registered against Ram Naresh Mishra, the former Panchayat Secretary of Sarsikan Panchayat.

Learned counsel for the petitioner submits that the merit list of the year 2003 and 2005 of Sarsikan Panchayat were demanded from the petitioner. The petitioner took over charge of



Panchayat Secretary of Sarsikan Panchayat on 15.03.2013. From perusal of the charge report (Annexure-2), it would appear that the merit list of the appointment of the teachers in the year 2003-05 were not handed over to the petitioner by his predecessor but, even then the case is lodged against the petitioner.

Considering the facts aforesaid and the fact that the petitioner was not posted in Sarsikan Panchayat at the relevant time and he took over the charge on 15.03.2013 but, he did not receive any merit list of teacher appointment in the year 2003-05, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Vaishali at Hajipur in Goraul (Kathara O.P.) P.S. Case No. 163 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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