

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51914 of 2017

Arising Out of PS.Case No. -64 Year- 2016 Thana -DARIYAPUR District- SARAN

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1. Pradeep Kumar @ Pradeep Kumar Prasad, Son of Gouri Shankar Prasad, Resident of village at + P.O. Khajuri, P.S. Kuchai Kote, District - Gopalganj, presently posted as V.L.W./Panchayat Secretary at GramPanchayat Bajahiya Block Dariyapur Distt. Saran at Chapra.
 2. Arjun Singh, Son of Late Gambhira Singh, Resident of village - Pahari Chowk, P.O. + P.S. Sonapur, Distt. Saran at Chapra.
 3. Brij Bihari Prasad Yadav @ Brij Bihari Yadav, Son of Late Nayak Prasad Yadav, Resident of village + P.O. Madhopur, Distt. Saran at Chapra, presently posted/Panchayat Secretary Gram Panchayat Belo and Khanpur, Block Dariyapur, Dist. Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Vigilance Department Govt. of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Shrivastwa

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 10-11-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners, being the then Panchayat Secretaries of Bajhiya, Magarpal, Belo and Khanpur Gram Panchayats are apprehending their arrest in a case registered for the offences punishable under Sections 420, 120B, 201 of the Indian Penal Code and Sections 13(2) read with 13(1) (d) of the Prevention of Corruption Act.

The prosecution case is that in pursuance to



the order passed by this Court in a writ application directing the Vigilance to conduct an enquiry with regard to appointment of Panchayat teachers, The merit list, counselling register, Karyawahi Panji Pustika and Rikti Roster were called for the period 2003 to 2012 but the petitioners being Panchayat Secretaries failed to submit the same.

It is submitted by learned counsel for the petitioners that the petitioners were posted as Panchayat Secretaries in the year 2012-13 and 2013-14 at the relevant places and whatever documents they had they submitted the same to the investigating agencies. Moreover, it is admitted position that they were not party to the appointment process. It is further submitted that the accusation does not warrant lodging of any criminal case, at best it could have warranted a disciplinary proceeding.

Learned counsel for the Vigilance submits that the petitioners did not submit the required documents to the investigating agencies.

Considering the delayed lodging of the FIR and the nature of accusation which could have been sorted out through a departmental proceeding against the petitioners, let the above named petitioners be released on anticipatory bail, in the



event of 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Vigilance North Bihar, Muzaffarpur in connection with Special Case No. 13 of 2016 arising out of Dariyapur P.S. Case No. 64 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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