

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50507 of 2017

Arising Out of PS.Case No. -414 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

=====

Jitendra Thakur son of Late Sukhdeo Thakur, resident of village- Godhwa,
P.S.- Motihari Muffasil, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Executive Engineer, Nagar Parishad, Motihari.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party No.2 : Mr. Raghwanand, Advocate

For the State : Mr. Uma Shankar Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Motihari Town P.S. Case No. 414 of 2017 registered under
Section 409/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the FIR has been instituted on the ground that the petitioner,
who was a Class-IV employee in Nagar Parishad, Motihari
continued to discharge his duties beyond the date of
superannuation and for the period worked beyond the date of
superannuation, he has been paid salary which is recoverable.



Learned counsel for the petitioner further contended that even if the allegations made in the FIR are taken to be true, none of the ingredients of the offence alleged under Section 409 of the Indian Penal Code would be attracted against the petitioner. There is no allegation that he committed forgery in any record. The only allegation is that he was allowed to discharge his duties beyond the period of superannuation for which he has been paid his due salary.

Learned counsel for the State and learned counsel for the Nagar Parishad have opposed the prayer for grant of pre-arrest bail to the petitioner. Learned counsel for the Nagar Parishad submitted that the petitioner has been paid excess amount of rupees one lac seventeen thousand and fifty four hundred as salary for working twenty one months more after the date of superannuation.

Having regard to the nature of allegation, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No.414 of 2017, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--

