

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37888 of 2017

Arising Out of PS.Case No. -318 Year- 2017 Thana -KOTWALI District- PATNA

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Dinesh Prasad S/o Late Baijnath Prasad, R/o Road No. 2, Extension
Rajvanshi Nagar, P.S. - Shastri Nagar, District - Patna, retired Clerk, Bihar
Madhyamik Shiksha Kanyalaya, Budhmarg, Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate

For the Opposite Party/s : Sri Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No. 318 of 2017 registered for the
offence(s) punishable under section(s) 477 and 420 of the Indian
Penal Code.

The petitioner is an Assistant in the Education
Department and allegation is that he did not produce the record
before the higher authority for filing of Letters Patent Appeal
before this Court, thereby caused loss to the Government.

Learned counsel for the petitioner submits that the
petitioner is simply a Clerk and having no role in taking decision
of filing of Letters Patent Appeal. He further submits that the



petitioner has retired from service and his 5% pension has been withheld due to departmental proceeding against him.

Learned Additional Public Prosecutor opposed the submission.

Considering the facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the Court below within a period of four weeks from today, be released on bail on his 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, Patna in connection with Kotwali P.S. Case No. 318 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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