

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55724 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -PAUTHU District- AURANGABAD

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1. Kaushal Kishore Sharma, S/o Late Baliram Sharma, R/o Village Babu Amauna, P.S. Daudnagar, District- Aurangabad, presently posted as incharge Panchayat Secretary, Gram Panchayat Etar, Rafiganj, Aurangabad.
2. Surendra Kumar, S/o Late Karu Yadav, R/o Village- Jakhoura, P.S. Haspura, District- Aurangabad, presently posted as incharge Panchayat Secretary, Gram Panchayat Latta, Rafiganj, Aurangabad.
3. Surajdeyal Ram, S/o Fulchandra Ram, R/o Goha, P.S. Goh, District- Aurangabad, Presently posted as incharge Panchayat Secretary, Gram Panchayat Bhetania, Rafiganj, Aurangabad.
4. Suresh Prasad, S/o Late Mansokhi Bhagat, R/o Garari Total, Ward No. 21, Daudnagar, P.S.- Daudnagar, District- Aurangabad, presently posted as incharge Panchayat Secretary, Gram Panchayat Pauthu, Pauthu, Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 08-02-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Pauthu P.S. Case No. 52 of 2016 registered under Sections 409, 420 and 188 of the Indian Penal Code.

The accusation is that in spite of directions given to the Panchayat Secretaries to submit the files folder and merit list in respect of Panchayat Teachers of different Panchayat in



Rafiganj Block in between 2003 to 2012 as demanded by the Vigilance Department for inquiry regarding irregularity committed by the Panchayat Secretaries. The petitioners being the Panchayat Secretaries of Etra, Latta, Bhetania and Pauthu Panchayats did not submit the same.

Learned counsel for the petitioners submits that, in fact, petitioners took the charge of Panchayats of Etra, Latta, Bhetania and Pauthu, respectively, on 12.08.2013, 11.08.2013, 27.11.2014 and 31.10.2013 to Ex-Secretaries, Sanjay Kumar Manglam, Vijay Yadav, Madan Mohan Prasad and Madan Mohan Sharma but they did not hand over the charge regarding the appointment of panchayat teachers in between 2003 to 2012. After receiving the letter for submitting the same, petitioners informed to the Block Education Officer, Rafiganj who submitted the application before the Superintendent of Police, Aurangabad, to implicate the Ex-Secretaries of aforesaid four Panchayats as accused, which would appear from letter dated 07.10.2016 (Annexure 2).

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Aurangabad, in connection with Pauthu P.S. Case No. 52 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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