

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -BRAHMPUR District- BUXAR

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1. Janardan Kuar, son of Kamta Kuar, resident of Village- Godar, Police Station- Sahpur, District- Bhojpur, Ex- Panchayat Sevak, Gram Panchayat Raj Mahuwar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-03-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Brahmpur P.S. Case No.221 of 2016 instituted for the offence under Section(s) 406, 409, 420 Indian Penal Code.

From the written report, it appears that on complaint by private person that the petitioner, who was working as *Panchayat* Secretary, along with *Mukhiya* of that *Panchayat*, defalcated rupees six lacs fifty thousand meant for diesel subsidy, the BDO, Brahmpur, Buxar, filed First Information Report against the petitioner and the then *Mukhiya* of the *Panchayat*.

It has been submitted on behalf of the petitioner that neither a single beneficiary has submitted any allegation nor any



document has been filed to substantiate the defalcation. The case has been filed after six years. It has further been submitted that *Mukhiya*, Surendra Kumar Sah @ Surendra Sah, with similar allegation, has already been granted bail by a co-ordinate Bench of this Court by order dated 17.02.2017 passed in Cr. Misc. No.52162 of 2016.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Brahmpur P.S. Case No.221 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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