

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13960 of 2017

Arising Out of PS.Case No. -56 Year- 2016 Thana -BELHAR District- BANKA

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1. Ram Naresh Prasad Yadav, S/o Late Brahmdeo Yadav, resident of village- Bhariopur, Police Station- Katoria, District- Banka. At present posted as Panchayat Secretary of Gram Panchayat Belhar and Basmatta, Anchal- Belhar, District.- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 20-04-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Belhar P.S. Case No.56 of 2016 instituted for the offence under Section(s) 166-A, 409/34 Indian Penal Code.

Allegation against the petitioner is that he did not handover relevant documents to the Vigilance Department with regard to appointment of Contract Teacher in the light of the order passed by this Hon'ble Court in CWJC No.15459 of 2014.

Counsel for the petitioner submits that the alleged appointment took place between 2003 to 2014-15 and the petitioner was not posted in the said *Panchayat* at the relevant time. He has been posted in the aforesaid *Panchayat* in the year



2015 and the relevant documents relating to appointment of *Panchayat* Teacher and *Shiksha Mitra* were not handed over to him by the ex- *Panchayat Sewak*. The petitioner vide Annexure-2 informed the BDO, Belhar, Banka, about not handing over of the relevant papers to him. Thereafter, vide Annexure-3, necessary order was passed by the BDO, Belhar, Banka, on 02.03.2016, and then as per Annexure-4, after breaking lock of the box, charge of various registers were given to this petitioner.

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 Belhar P.S. Case No.56 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 Sub Judge III-cum-Additional Chief Judicial Magistrate, III, Banka, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will



automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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