

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55132 of 2016

Arising Out of PS.Case No. -171 Year- 2016 Thana -LAKHNAUR District- MADHUBANI

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Ram Narayan Yadav, S/o late Raghunath Yadav, r/v Gangapur, P.S.
Lakhnaur, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Adv.
Mr. Yogendra Kumar, Adv.
Mr. R.N. Rais, Adv.

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-01-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406, 409, 120(B) of the Indian Penal Code in connection with Lakhnaur P.S. Case No. 171/2016.

It has been submitted on behalf of the petitioner that the present case has been lodged after 20 years of the alleged date of occurrence as it is alleged in the FIR that the petitioner had appeared in the examination for appointment to the post of Trained Primary Teacher in the year 1996 and thereafter in the year 2016, the present case has been lodged on the basis of a complaint to the Lokayukt which was enquired and it is alleged



that hand writing of the petitioner does not tally with the hand writing available at the time of examination.

It has further been submitted that against the petitioner a complaint was made before the police which was referred to the District Magistrate. It appears that the case has been lodged without having proper enquiry. It has also been submitted that earlier the aforesaid complainant had also moved before the Hon'ble Court in Cr. WJC No. 167/2008 with the same allegation and the writ application was dismissed by this Court (Annexure-3). Further submission of the learned counsel for the petitioner is that the petitioner was appointed as the Primary Teacher in the year 2000 and in the year 2010 he had already resigned from the post and had contested Bihar Assembly Election. The present case has been lodged due to election dispute.

Heard learned Additional Public Prosecutor also.

Having heard both sides, in view of the fact that this case has been lodged almost after 20 years of the alleged occurrence and prior to that no proper enquiry was held, as such, the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 171/2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with further condition that he will co-operate in the investigation of the trial and will make himself available before the police as and when required by the police.

Accordingly, this application is allowed.

(Vinod Kumar Sinha, J.)

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