

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9212 of 2017

Arising Out of PS.Case No. -952 Year- 2016 Thana -SAHARSA District- SAHARSA

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Bhudeo Das, son of Late Ganauri Das, resident of Village-Sihuri, P.S.-
Amarpur, District-Banka, the then and retired Chief Peshkar, Settlement
Office, Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-02-2017

Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Sadar
P.S. Case No. 952 of 2016 instituted for the offence under Section
(s) 420, 419, 409, 467, 468, 471, 120B of the Indian Penal Code.

It has been submitted that petitioner retired on
31.11.2009 as Head Peshkar, Settlement Office, Saharsa. The
instant F.I.R has been lodged on the basis of the order passed by
the State Chief Information Commissioner (Annexure-9), wherein,
it has been reported that one of the records is not located .The
State Chief Information Commissioner directed that the reply will
be accepted only after lodging of the F.I.R against the erring
officer. The petitioner was never the custodian of the records. He
was the Peshkar dealing with the records of the Court.



From the written report itself, it appears that the instant case has been lodged in the year 2016, after seven years of retirement of the petitioner and from Annexure-9, it appears that the instant F.I.R has been lodged on the basis of the order passed by the State Chief Information Commissioner without holding any enquiry that the aforesaid record was got misplaced by this petitioner.

In the facts and circumstances of the case, the prayer of the petitioner for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, above named, within six weeks from today in connection with Sadar P.S. Case No. 952 of 2016, he shall be released on anticipatory bail on 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, Saharsa, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Priya, J)

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