

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25315 of 2017

Arising Out of PS.Case No. -24 Year- 2016 Thana -CHAUTHAM District- KHAGARIA

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1. Babua Narayan Paswan, Son of Late Chamru Paswan, resident of Village Gaurashakti, Police Station Khagaria (Muffasil), District Khagaria at present Posted as Panchayat Secretary Gram Panchayat Hardiya, Police Station Choutham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 07-07-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State of Bihar.

This application, for grant of anticipatory bail, arises out of Chautham Police Station Case No. 24 of 2016, disclosing offences under Sections 420/467/471/353/201/180/34 of the Indian Penal Code.

The allegation against the petitioner is that he did not hand over the documents, as Panchayat Secretary, to the Vigilance Team, investigating into fraudulent appointments to the posts of Shiksha Mitra/Panchayat Teachers.

Learned counsel for the petitioner has submitted that there was no question for the petitioner of handing



over the documents to the Vigilance Team since the documents were not in his possession; rather, the same were in possession of his predecessor, who had not handed over the papers to him after the petitioner joined the present place of posting.

Considering the above submission, this application is allowed.

Let the petitioner, Babua Narayan Paswan, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, Khagaria, in connection with Chautham Police Station Case No. 24 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

This is subject to the further condition that the petitioner satisfies the learned Court below that on being



transferred from the place of his earlier posting to the present place of posting, the petitioner had handed over all documents, relating to appointments to the posts of Shiksha Mitra/Panchayat Teachers, to his successor.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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