

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45672 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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1. Dharm Prakash Chaudhary Son of Late Ved Prakash Chaudhary Resident of Mohalla - Masjid Chowk, Goshala Road, P.S. Mithanpura, District - Muzaffarpur at present Jansewak Cum Panchayat Secretary of Panchayat Raj- Gopidhanwat, Gopinathpur, Dokara and Datapur Pachbhirwa, P.S. Saraiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 20-09-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Saraiya Police Station Case No. 172 of 2017, disclosing offences under Sections 409 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has not committed any offence. In fact, the petitioner being the Panchayat Secretary has discharged his duties till April and on account of his illness he thereafter proceeded on leave, which is evident from annexure-2 to the supplementary affidavit filed by the petitioner. As a matter of fact, the B.D.O. concerned is putting illegal pressure to misuse



the development fund of Panchayat in connivance of the petitioner but on refusal of the same, he has falsely been made accused in this case on filthy grounds and without any documentary evidence. Therefore, no case under Section 409 of the Indian Penal Code is made out against this petitioner. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Sub-Divisional Judicial Magistrate, West Muzaffarpur, in connection with Saraiya Police Station Case No. 172 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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