

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43100 of 2017

Arising Out of PS.Case No. -192 Year- 2017 Thana -KUDHNI District- MUZAFFARPUR

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Jai Mangal Bhagat @ Bhagat, son of Late Police Bhagat, Resident of
Village - Abhuchak, P.S. Saraiya, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Asharaf Ansari

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 21-09-2017

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Kudhani (Turki O.P.) P.S. Case No. 192 of
2017, disclosing offences under Section 409 of the Indian
Penal Code.

The petitioner was a Panchayat Secretary,
posted at Gram Panchayat Raj, Ladaura, in Muzaffarpur
district. He retired after attaining the age of
superannuation on 29.02.2016. Before the date of the
retirement, a departmental proceeding was initiated against



him with the issuance of charge-sheet, dated 17.02.2016, charging the petitioner of misconduct. He is said to have misappropriated Government money and acted in breach of Government Circulars in construction of Angan Bari Centre and purchase of solar lights and vapor lights. There were other allegations also. The departmental proceeding concluded with the punishment under Section 43(b) of the Bihar Pension Rules.

The decision of the departmental proceeding is the basis for registration of the First Information Report.

Learned counsel for the petitioner has submitted that even if the findings of the Disciplinary Authority are to be taken into account, there is no mention of the amount misappropriated by the petitioner. He submits that there is no chance of petitioner fleeing from the course of investigation or trial, if he allowed anticipatory bail.

Considering the facts and circumstances of the case and the submission so made on behalf of the petitioner, this application is allowed. 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Sub-Divisional Judicial Magistrate (West),**



Muzaffarpur, in connection with **Kudhani (Turki O.P.,**
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/herself before the
police/Court, as the case may be, as and when required
and in the event of failure on his/her part to appear before
the Court on two consecutive occasions, his/her bail bond
shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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