

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52264 of 2017

Arising Out of PS.Case No. -277 Year- 2017 Thana -CIVIL LINE District- GAYA

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Mahesh Prasad, Son of Late Ramawatar, resident of Mohalla- Ram Sagar Talab, P.S.- Civil Lines, District- Gaya posted as Peon in the office of District Welfare Officer, Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 20-12-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Civil Lines P.S. Case No. 277 of 2017 registered under Sections 420, 406 and 409 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the petitioner being a peon had no administrative or financial power to distribute or disburse the amount of scholarship to any student or to any institution. He submitted that save and except wild allegations made against the petitioner in the FIR, there is nothing to connect him with the alleged



offence. According to him, co-accused Umesh Prasad has made an absolutely false allegation against the petitioner to save his neck and also for the reason that he made statement in inquiry against Umesh Prasad. He contended that the petitioner has no flat or house or land in the Gaya town either in his own name or in the name of his family.

On the other hand, learned counsel for the State submitted that being a public servant, the petitioner work as a Mediator and actively participated in the offence alleged.

Considering the facts and circumstances of the case and the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to 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 Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No. 277 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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