

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1043 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -KHODABANDPUR District- BEGUSARAI

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Shivnandan Mahto, Son of late Ram Bahadur Mahto, Resident of Village-
Matihani,P.S. Matihani, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate
Mr. Pravin Kumar, Advocate
Mr. Sashank Shekhar, Advocate

For the Opposite Party : Mr. Dr. Ajeet Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Khudawandpur P.S. Case No. 111 of 2016, registered for the
offences punishable under Sections 467, 468, 471, 420 of the
Indian Penal Code.

Allegedly, the petitioner got illegal payment and on
the basis of illegal appointment, he draw salary and cheated the
government. The Director of Health Services also inquire into the
matter and directed the Civil Surgeon, Begusarai to lodge F.I.R. as
the service of the petitioner was found illegal from initial stage.

Submission is of false implication and that due to ill



motive of the high up the petitioner has been implicated falsely as they were putting pressure to implicate one A.N.M. which was refused by the petitioner. The petitioner was in service, he served his duty since long 27 years, nobody raised this question before any authority and further before the Hon'ble Court where the petitioner has filed C.W.J.C. No. 8021 of 2010 against suspension, this plea was not raised that the appointment was illegal. The writ petition of the petitioner has been allowed and suspension order has been quashed, but without making any departmental inquiry, it is stated that he has been terminated from service and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that in C.W.J.C. No. 8021 of 2010 the suspension order of the petitioner was quashed directing the authority concerned to complete the proceeding within a reasonable time and in the meantime, the F.I.R. has been lodged and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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,
Manjhaul, in connection with Khudawandpur P.S. Case No. 111 of
2016, subject to the conditions as laid down in section 438(2) of
the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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