

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45808 of 2018

Arising Out of PS. Case No.-314 Year-2013 Thana- GAYGHAT District- Muzaffarpur

Chandeshwar Sah S/o Bhairo Sah, R/o Vill.- Baghakhal, P.S.- Gaighat,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sri S.M. Rahman

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Gaighat P.S. case no.
314/13 instituted for the offence under Section(s) 406,409,420
and 353 of the Indian Penal Code.

It is alleged in the written report that informant was
appointed as I/C Head Mistress of Govt. Primary School,
Baghakhal, Sarvodaya in pursuance to letter no. 557 dated
18.10.13 passed by the B.E.O., Gaighat on the basis of
suspension order of the petitioner passed by the Mukhiya,
Baghakhal vide letter no. 102 dated 19.9.13. It is further alleged
that even after suspension order passed against the petitioner he
did not hand over the charge of the aforesaid school to the
informant and he misbehaved with the informant.



Learned counsel for the petitioner has submitted that police after investigation submitted final form in this case finding the case false against the petitioner. Learned Court below after differing with the final form submitted by the police has taken cognizance against petitioner.

Learned counsel for the State has submitted that there are five cases pending against this petitioner. Learned counsel for the petitioner has submitted that all those cases have been lodged on the instigation of the Mukhiya, namely, Chandra Kishore Singh due to biased intention with this petitioner. The aforesaid Mukhiya has also recommended for dismissal of the petitioner which was subsequently challenged by the petitioner before the D.M, Muzaffarpur by filing representation and D.M. Muzaffarpur along with other officials has recommended for dismissal of the Mukhiya Baghakhal by letter written to the Principal Secretary Panchayat Raj, Bihar, Patna vide Annexure-3 to the bail petition.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Gaighat P.S. case no. 314/13, Tr. no. 1413/18, he shall be released on anticipatory bail



on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM 14th, Muzaffarpur subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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