

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.975 of 2018

Arising Out of PS.Case No. -119 Year- 2017 Thana -GOPALPUR District- BHAGALPUR

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Md. Khursid Alam, Son of Late Wali Mohammad, Resident of
Village+Post+Police Station-Bihpur, District-Bhagalpur, the retired
Panchayat Secretary of Rangra, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Gopalpur (Rangra) P.S. Case No. 119 of 2017 registered
under Sections 420, 406 and 409 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that prior to superannuation 28.02.2016, a criminal
case was instituted against him and several other Panchayat
Secretaries bearing Adampur (Kotwali) Bhagalpur P.S. Case
No.85 of 2016 dated 21.02.2016 as a result of which, he did not
hand over charge. However, subsequently, he had handed over
the charge to his successors Umesh Prasad Yadav and



Dinbandhu Sinha of different panchayats. He submitted that it is not a case of defalcation rather the case is of not handing over the charge in time for which a criminal case ought not to have been instituted. He submitted that in case any misconduct was found on the part of the petitioner, the competent authority could have initiated disciplinary proceeding against him under the Bihar Pension Rules. A criminal case for not handing over the charge is nothing but an abuse of the process of court.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Having regard to the nature of allegation and the submissions made above, 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 Additional Chief Judicial Magistrate-III, Naugachhia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 119 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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