

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2008 of 2018

Arising Out of PS. Case No.-479 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Ajay Bhagat @ Ajay Kr. Bhagat, S/o Kamleshwari Pd. Bhagat, R/o Vill-
Harchandpur, P.S.- Kahalgaon, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 409 and 420 of the
Indian Penal Code.

Prosecution case is that in pursuance of an order passed by
a Division Bench of this Court in a PIL, the Vigilance inquiry
was initiated with regard to the illegality committed in the
appointment of 'Panchayat Teachers'. Consequently, the
investigating agency directed the Panchayat Secretaries to
submit the folders containing certificates of such appointed
'Panchayat Teachers' within the stipulated time frame but the
petitioner failed to submit the respective folder.



It is submitted by learned counsel for the petitioner that the petitioner was not holding the post at the relevant time, when the documents with respect to appointments of Panchayat teachers, hence, he failed to submit the same. The petitioner joined at Goradih block on 15.07.2016. Moreover, the accusation at best invites disciplinary proceeding not a criminal prosecution. Similarly situated accused persons namely Rajendra Mandal, Umesh Prasad Yadav, Sunaina Kumari and Somnath Urao and Ors. have been granted anticipatory bail by different co-ordinate Benches of this Court vide Criminal Miscellaneous Nos. 6526, 7916, 7823 and 6653 of 2017 respectively. Moreover, a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the accusation is specific against the petitioner.

Considering the nature of accusation and the fact that the petitioner was not holding the post at the relevant time when the documents were demanded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender



before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Kotwali (Adampur) P.S. Case No. 479 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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