

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64095 of 2018

Arising Out of PS. Case No.-36 Year-2016 Thana- THAKRAHA District- West Champaran

1. Ramashray Baitha, S/o Late Mahanth Baitha, resident of Village- Narkatiyaganj, P.S.- Shikarpur, District- West Champaran.
2. Akhtar Hussain, S/o Late Adalat Hussain, resident of Village- Bhikhan, P.S. Bhikhan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Tiwary

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-12-2018 Heard the learned counsel for the petitioners and

the State.

The petitioners who are the Panchayat Secretaries of Gram Panchayat, Jagirahan and Motipur respectively have sought bail in anticipation of their arrest in connection with Thakaraha P. S. Case No. 36 of 2016 dated 13.03.2016 instituted for the offences under Sections 409, 406 and 34 of the Indian Penal Code.

The allegation levelled in the F.I.R. is that under the orders of this Court, certificates of the teachers who were appointed after the year 2006, were required to be verified. As a result thereof, various Panchayat Secretaries



were directed to furnish the records of the appointment in the particular Gram Panchayats. The accused persons, including the petitioners, are alleged to have avoided the aforesaid directive of the government and they did not provide the relevant records for verification.

Learned counsel for the petitioners has submitted that the petitioners in the capacity as Panchayat Secretary of the respective Gram Panchayats were not concerned with the appointment of teachers as they were posted much later. The petitioners joined their respective Panchayats on 08.12.2011 and 17.06.2014 respectively. The petitioners were never handed over the charge of the documents by their predecessors and these facts were made known to the higher functionaries.

For the afore-stated facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned
A.C.J.M., 1st, Bagaha in connection with Thakaraha P. S.
Case No. 36 of 2016 , subject to the conditions as laid
down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

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