

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70032 of 2018

Arising Out of PS. Case No.-360 Year-2018 Thana- JAGDISHPUR District- Bhagalpur

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Dipendra Kumar Mishra son of Upendra Mishra, resident of Village-
Kharauwa, P.S. Khaira, District- Jamui at present posted in District Legal
Section, Collectorate, Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Verma

For the Opposite Party/s : Mr.Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-12-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Jagdishpur P.S. Case No. 360 of 2018 dated 17.07.2018 instituted for the offences under Sections 409, 420, 467, 468, 471, 476 and 477 of the Indian Penal Code.

The petitioner, at the relevant time, was posted as a Clerk in the Circle Office of Jagdishpur and is alleged to have withheld large number of files regarding mutation even after his exit from the aforesaid office.

Learned counsel appearing for the petitioner has submitted that the FIR has been lodged by the Circle Officer alleging that about 4000 and odd records of mutation were not to be found/traced. When one Laxmi



Prasad Mandal, the Clerk as well as the custodian of those files was asked about it he informed the Circle Officer that those files have not been handed over by his predecessor viz. the petitioner.

Learned counsel for the petitioner has submitted that such statement by Laxmi Prasad Mandal was incorrect. In fact, on such statement, the salary of the petitioner also was stopped but on further verification that he had handed over the charge along with all the documents, his pay was resumed.

Learned counsel for the petitioner further submits that this tantamounts to exonerating the petitioner regarding the charge of keeping back certain documents for mutation. It has further been submitted that no useful purpose would be served to the advantage of the petitioner in keeping in his custody those files as he is no longer posted in the aforesaid circle. Such files cannot be converted into any valuable security. It appears, it has been argued, that the files have been misplaced by the present clerk and only to save his skin, he has named the petitioner.

Considering the aforesaid facts as also taking into account that the petitioner is still in service, he is directed to be released on bail, in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S. Case No. 360 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is also made clear that in case the investigating agency would demand of the petitioner certain information which would be relevant for tracing out the files or concluding the investigation, the petitioner shall not shy away from making full disclosure. Any attempt of the petitioner to withhold information to which he is privy to investigator shall be viewed seriously and in that event the investigator would be at liberty to proceed for cancellation of anticipatory bail of the petitioner.

(Ashutosh Kumar, J)

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