

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59057 of 2018

Arising Out of PS. Case No.-209 Year-2010 Thana- MINAPUR District- Muzaffarpur

Vijay Kumar Sinha S/o Raniglal Prasad, R/o Mohalla- Mustaffapur, P.S.-
Ahiyapur, District- Muzaffarpur, at present posted as Panchayat Secretary,
Sakara Block, Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Sri Rajesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner being the Panchayat Secretary of Gram
Panchayat, Manjholiya is facing defalcation charges and is thus,
apprehending his arrest in connection with Minapur P.S. Case
No. 209 of 2010 for the offence registered under Sections 406,
420, 409/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
entire case was based on false notions and in view of such facts
and circumstances, a Five Man Committee was constituted
which admittedly, enquired into the allegations and submitted a
report on 30.08.2008 itself. On enquiry, the committee found
that the alleged defalcated amount was very much present in
the account of the said Gram Panchayat and, therefore, the case



filed against the concerned Mukhiya, Panchayat Secretary, Junior Engineer and others was wholly without any just and valid cause. It is further submitted that for the same occurrence, another report was also submitted, in which, a similar finding was arrived at but ignoring all such earlier reports; on the basis of mischevous complaint, the petitioner is facing prosecution. He thus, submits that the petitioner may be extended the privilege of pre-arrest bail and that he shall co-operate in all future investigation

Considering the aforesaid facts and circumstances of the case and that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest/surrender before the learned counsel below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzuffarpur in connection with Minapur P.S. Case No. 209 of 2010, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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