

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12386 of 2018

Arising Out of PS.Case No. -24 Year- 2016 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

=====

1. BIRBAL KUNWAR @ BIRBAL KUMAR, son of late Sahdeo Kunwar,
resident of village- Kanchhedwa, P.S.- Harsidhi, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 08-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Mehsi P.S. Case No.24 of 2016** instituted for the offence under Section(s) 420, 409, 353/34 Indian Penal Code.

Allegation against the petitioner is that he being the Panchayat Secretary of Gram Panchayat Chakalalu, Mehsi Block, did not make available folder of contract teachers as per direction of the Hon'ble Court, Patna, to the Investigation Bureau.

Counsel for the petitioner has submitted that he joined as Panchayat Secretary on 17.08.2006 in the aforesaid Gram Panchayat and he has handed over charge on 22.08.2012 to Balkishun Ram in which he has handed over 24 folder of appointment of teachers along with register and file. In support of



such submission, petitioner has annexed the Charge Report as Annexure-2.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Mehsi P.S. Case No.24 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Motihari, East Champaran**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

