

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23871 of 2018

Arising Out of PS. Case No.-157 Year-2017 Thana- AMBA District- Aurangabad

Ram Prasad Ram, S/o Late Chhedi Ram, R/o Vill.- Chhedi Bigha, Darua,
P.S.- Nabinagar, Distt.- Aurangabad. At present- Revenue Clerk, Reserve
Circle- Kutumba, P.S.- Amba, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner being the Revenue Karmachari in the
Kutumba Block of Aurangabad District is apprehending arrest in
a case registered for the offences punishable under Section 379
of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 02.12.2017 submitted by the Circle Officer,
Kutumba to the Station House Officer, Amba Police Station to
the effect that on 23.11.2017, Baijnath Singh, Clerk informed
the informant that attendance register is missing. The attendance
register was taken by Birja Ram, Peon. It is further alleged that
on the alleged date, three employees were present in the office,



namely, Baijnath Singh, Birja Ram, Sri Ram Prasad Ram (petitioner), hence, they have been asked to submit their show cause. Consequently, they have submitted their show cause.

It is submitted by learned counsel for the petitioner that the petitioner is working in the capacity of Revenue Clerk and the custodian of the attendance register is head clerk. Even assuming the accusation, no offence is made out, moreover, such charge invites departmental proceeding, not lodging of a criminal case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, other similarly situated co-accuse have been granted anticipatory bail by other co-ordinate Benches of this Court vide Criminal Miscellaneous No. 10359 of 2018 and Criminal Miscellaneous No.10745 of 2018.

It is submitted by Mr. J. N. Thakur learned APP for the State that the petitioner is named in the FIR.

Considering the nature of accusation and similarly situated accused persons having been granted anticipatory bail, 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, Aurangabad in connection with Amba P.S. Case No. 157/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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