

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27304 of 2018

Arising Out of PS. Case No.-501 Year-2016 Thana- SUPAUL District- Supaul

Shiv Narayan Mandal, Son of Shri Khattar Mandal, Resident of Village-
Saroja Bela, P.S.- Marauna, District- Supaul.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409, 420 and 120B of the IPC.

The prosecution case as per the written report of Primary Education Officer, Supaul submitted to the Station House Officer, Supaul Police Station is to the effect that the vigilance enquiry was conducted in pursuance to the order passed in C.W.J.C. No. 15459 of 2014. During enquiry, it was found that Moni Kumari, being the minor, was appointed in the Middle School, Sapardaha, as Panchayat Teacher as in the application form, her date of birth has been mentioned as 05.07.1988, hence, on the date of submission of application, she was aged about 17 years, 5 months and 26 days



and for such appointment, the then Panchayat Secretary and members of the Selection Committee were responsible. Though, the FIR was registered only against Moni Kumari, but the name of the petitioner subsequently, sprang up being one of the members of Selection Committee.

It is submitted by learned counsel for the petitioner that on the date of appointment i.e., on 01.01.2016, Moni Kumari was aged about 18 years and 6 months and Moni Kumari has been granted privilege of anticipatory bail by learned Court below itself, statement to that effect has been made in paragraph no.8 of the petition, whereas other similarly situated accused persons have been granted privilege of anticipatory bail by different Benches of this Court, vide Cr. Misc. Nos. 40667 of 2017 and 15632 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner was responsible for appointment of Moni Kumar, who is not eligible for the post in question.

Considering the thrust of accusation against Moni Kumari, who has been granted bail by learned Court below itself, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 501 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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