

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77410 of 2018

Arising Out of PS. Case No.-28 Year-2016 Thana- MATIYARIA District- West Champaran

Narsingh Pandit, S/o Late Prasad Parit, R/o Vill.- Mahuawa, P.S.- Shikarpur,
District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sharma

For the Opposite Party/s : Mr.Yogendra Kumar Singhapp

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-03-2019 The matter has been taken up out of turn since a statement has been made in paragraph 10 of the petitioner is that the petitioner is suffering from paralysis and other heart ailments.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 409 and 188 of the Indian Penal Code.

The prosecution is that a vigilance case was initiated in pursuance to the order passed in a LPA by Division Bench of this Court wherein a question was raised with regard to the illegal appointment of Panchayat and Block teachers. During investigation of the said case, Department of Vigilance demanded folders/documents with regard to appointment of



Panchayat teachers but the petitioner being the Panchayat Secretary of Daraul Matiyaria and co-accused Deonath Prasad being, Panchayat Secretary of Mahui Panchayat failed to submit the folders by 15.02.2016

It is submitted by learned counsel for the petitioner that the folders have already been submitted with regard to appointments made between 2006-2016 and the receiving copy of the same has been brought on record, as contained in Annexure-2. It is further submitted that even assuming the accusation to be true, no offence under Sections 420 and 409 of the IPC is made out and the petitioner is suffering from paralytic attack. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner deliberately tried to save the illegal appointees and there is a tear mark in the receiving copy of the so called folders which have been claimed to have submitted by the petitioner, as contained in Annexure-2.

Considering the nature of accusation and miserable medical condition of the petitioner, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bettiah, West Champaran in connection with Matariya P.S. Case No. 28 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he fails to cooperate in investigation.

(Dinesh Kumar Singh, J)

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