

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2403 of 2019

Arising Out of PS. Case No.-382 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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Ashok Kumar @ Ashok Kumar Paswan Son of Payarchand Ram, resident of
village- Narhi, P.S.-Chandi, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Udwantnagar P. S. Case No. 382 of 2018 registered under
Sections 409 and 420 of the Indian Penal Code.

It is submitted by the learned counsel of the petitioner
that the petitioner is a member of scheduled caste category. He
had applied for the post of Panchayat Teacher in Karisath Gram
Panchayat in the year 2009. In counseling, one Ajay Kumar of
the same category was selected by the selection committee and a
selection list was prepared on 28.02.2009. However, Ajay
Kumar withdrew his consent and did not join on the said post.
Thereafter, the selection committee of the Gram Panchayat



called a meeting on 02.03.2009 in which a decision was taken to appoint the petitioner who stood second in the merit-list in the scheduled caste category. He contended that in case, any irregularity in selection was committed, the responsibility was of selection committee and not the petitioner.

Per contra, learned counsel appearing for the State submitted that the petitioner mischievously joined the post and withdrew salary against the said post as a result of which loss has been caused to the State Exchequer.

Keeping in mind the rival submissions, since the petitioner is reported to be a man of clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in Udwantnagar P. S. Case No. 382 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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