

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10097 of 2019

Arising Out of P.S. Case No.-5 Year-2017 Thana- BANSHI District- Jehanabad

Binod Kumar @ Vinod Kumar (male), aged about 45 years, Son of Late Dasai Singh Resident of Village - Karpi, P.S- Karpi, District-Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2019 Petitioner is permitted to make necessary correction in para-10 of the present application specifying the correct period of custody.

Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 22.11.2018 in connection with Banshi P.S.Case No.05 of 2017 for the offence alleged under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

The prosecution case as lodged by the Police-cum-Inquiry Officer, Vigilance, Patna is that on verification of forged and fake appointments of Panchayat Teacher, it has come to the knowledge that Soni was appointed as a Panchayat Teacher in connivance with the then Mukhiya, Panchayat Secretary and



others. Petitioner was posted as Panchayat Secretary, hence, he has been roped in the aforesaid case.

It has been submitted by the learned counsel for the petitioner that he is innocent, is a public servant and no overt-act has been committed by the petitioner. He further submits that the appointment of the said Panchayat Teacher Soni was in the year 2017 but the petitioner was not posted as Panchayat Secretary of the said Panchayat at that point of time. He further submits that Panchayat Teacher who is alleged to have obtained appointment on forged certificate, has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr.Misc.No.17435 of 2017 dated 13.04.2017 on the ground of depositing the entire remuneration received on the post of Panchayat Teacher. He further submits that the petitioner is a public servant and undertakes to cooperate in the investigation and provide all necessary papers required for the investigation and also undertakes not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and the beneficiary co-accused has already been granted pre-arrest bail, let the petitioner, above



named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Banshi P.S.Case No.05 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Arwal, subject to the conditions that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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