

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12876 of 2019

Arising Out of PS. Case No.-203 Year-2018 Thana- HASPURA District- Aurangabad

Akshay Kumar, S/o Ram Pyare Singh R/o Village - Nauranga, P.S. - Dev
Kund, District, Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner, being the Panchayat Secretary is apprehending arrest in a case registered for the offence punishable under Section 409 of the IPC.

The prosecution case, as per the written report of Block Education Officer, Haspura dated 20.09.2018, submitted to the Station House Officer, Haspura Police Station, is to the effect that in pursuance the letter of the District Education Officer, Aurangabad, dated 15.07.2016 and letter of District Programme Officer, Aurangabad, dated 26.07.2016, the FIR has been lodged



against the petitioner for non-supply of the merit list of the teachers appointed in the Panchayat Schools by 30.07.2016.

Learned counsel for the petitioner submits that even assuming the accusation to be true, no accusation under Section 409 of the IPC is made out against the petitioner. It is further submitted that similarly situated co-accused, Md. Shahid Ali, who is the Panchayat Sewak, has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 22.02.2019, passed in Cr. Misc. No. 3906 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the nature of accusation and the fact that similarly situated co-accused person has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, 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 J.M., Aurangabad in connection with Haspura P.S. Case No. 203 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

