

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13361 of 2019

Arising Out of PS. Case No.-409 Year-2018 Thana- BARH District- Patna

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Shakti Kumar ,Son of Late Bhagwan Paswan, Resident of Mohalla- Srinagar,
P.O and P.S.- Masaurhi, District- Patna-804452

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar singh, Adv.

Ms. Roona, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case as per the written report of Arvind
Kumar, Block Education Officer, Barh submitted to the S.H.O.,
Barh P.S. is to the effect that the District Programme Officer,
Establishment, Patna vide letter no.1542 dated 27.02.2018,
directed all the Block Education Officers of Patna District to
lodge FIR against all those persons who have not made



available the folders (documents) containing details of employment of Panchayat and Block teachers for facilitating the investigation conducted by the Vigilance Investigation Bureau on the direction given in a PIL being C.W.J.C. No.15459 of 2014 by a bench of this Court. It is specially alleged against the petitioner that the petitioner, being posted as Panchayat Secretary at Ibrahampur Panchayat, has not submitted 13 folders containing details of teachers appointed in Gram Panchayats, Ibrahampur, Nadawa and Dhanawa Mubarakpur.

It is submitted by learned counsel for the petitioner that the alleged occurrence is of a period of much prior to the appointment of the petitioner and the petitioner claims to have been appointed as Panchayat Secretary of Nadawa Panchayat on 11.08.2017, given charge of Dhanawa Panchayat on 04.01.2018 and Ibrahampur Panchayat on 09.07.2018 hence, the petitioner has no occasion to take charge of the folders relating to the appointment of teachers made since 2006. It is further submitted that earlier an FIR was registered against the predecessor of the petitioner, being Barh P.S. Case No. 119 of 2016 with same accusation wherein, the investigation is still pending but since the petitioner was in service at that point of time, he was not named in that FIR.



It is submitted by learned APP for the State that the petitioner and other accused persons have obstructed the investigation being carried out in a proper manner.

Considering the fact that a substantive case was lodged at an earlier point of time with the same accusation much prior to the appointment of the petitioner in which investigation is pending and similarly situated co-accused persons have been granted bail by the learned Court below, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M.-I, Barh** in connection with **Barh P.S. Case No.409 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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