

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13354 of 2019**

Arising Out of PS. Case No.-113 Year-2016 Thana- BHAGWANPUR District- Kaimur
(Bhabua) *

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Rajendra Prasad Tiwari @ Rajendra Tiwari, Son of Ramadhar Tiwari,
Resident of Village-Badhha, P.S.-Ramgarh, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

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

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

The prosecution case, as per the written report of Block
Education Officer, Bhagwanpur (Kaimur) submitted to the
Station House Officer, Bhagwanpur Police Station, is to the
effect that in pursuance to the order dated 18.01.2016 passed by
the High Court in a PIL, the petitioner, being the then Panchayat



Secretary had to submit the folders/documents with regard to appointment of teachers in Panchayat/Block for verification of the certificate of the said Panchayat/Block teachers but the same was not submitted by the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner has already handed over the charge of the relevant papers with regard to appointment of Panchayat/Block teachers, to his successor, co-accused, Tulsi Ram who has been granted anticipatory bail by the learned Court below. It is further submitted that even assuming the accusation to be true, no criminal offence is made out against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP for the State that verification was sought to be made by vigilance since in pursuance to the order passed by this Court in a PIL, FIR was registered but the petitioner has failed to submit the records with regard to appointment of Panchayat/Block teachers.

Considering the nature of accusation and the fact that similarly situated two co-accused persons namely Ram Ekbal Ram and Hiramani Pandey have been granted anticipatory bail by Co-ordinate Benches of this Court vide order dated



15.12.2016 and 05.04.2018 passed in Cr. Misc. Nos. 42317 of 2016 and 14017 of 2018 respectively, whereas co-accused Tulsi Ram has been granted anticipatory bail by the learned Court below, 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 **Chief Sub-Divisional Judicial Magistrate, Kaimur at Bhabua** in connection with **Bhagwanpur P.S. Case No. 113 of 2016**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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