

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17583 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- MANPUR District- Nalanda

Kishori Prasad, Aged about 55 years, Male, Son of Hardeo Singh ,Resident of
Village/Mohalla - Fatehpur, P.S.- Asthawan, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajendra Prasad, Sr. Advocate Mr. Pramod Kumar, Mr. Ritesh Kumar, Advocates
For the Opposite Party	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 27-03-2019 Heard learned senior counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406 and 409 of the Indian Penal Code
registered in connection with Manpur P.S. Case No. 10 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on the accusation that the petitioner, the then Panchayat
Secretary, did not produce the relevant documents required to be
done in connection with appointment of two persons in the Primary
School, Sarvahadi. It is submitted that by letter no. 98 dated
09.02.2019 (Annexure-7), the informant-Block Education Officer,
Biharsharif has written to the Investigating Officer that the relevant
documents had not been handed over by the erstwhile Panchayat
Secretary Sri Devendra Prasad, who is the successor of Shri Shrawan
Kumar, who happened to be the predecessor of the petitioner. It is
therefore, submitted that the question of production of the documents
by the petitioner would not arise.

4. Learned APP invites reference to the order of the
learned Additional Sessions Judge-III, Nalanda dated 18.02.2019
passed in ABP No. 309 of 2019 containing the observations to the



contrary in the case diary.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Manpur P.S. Case No. 10 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

6. The provisional bail granted to the petitioner shall be confirmed upon verification with regard to genuineness of letter no. 98 dated 09.02.2019 (Annexure-7) written by the informant to the Investigating Officer. In case the said letter is not found verifiable, his bail bond shall stand automatically cancelled.

BT/Chandran

(Vikash Jain, J)

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