

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25249 of 2019

Arising Out of PS. Case No.-17 Year-2016 Thana- NARDIGANJ District- Nawada

Shiv Nandan Prasad Yadav Son of Late Parmeshwar Prasad Yadav, Resident of Village- Mahugai, Police Station- Sitamarhi, District- Nawada, Posted as Panchayat Secretary at Nardiganj Block, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy

For the Opposite Party/s : Mr. Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 19-04-2019 Heard learned counsel for the petitioners and learned APP for the State.

The petitioner apprehend his arrest in connection with Nardiganj P.S. Case no. 17 of 2016 registered under Sections 420 and 406 of the Indian Penal Code.

Petitioner who happens to be Panchayat Secretary of Dohda Panchayat is said to have not deposited the folder of appointment of Panchayat Teachers till 15.02.2016.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. As a matter of fact, he was appointed as Panchayat Secretary of Dohda Panchayat on 27.01.2016 and his predecessor (Ravi



Shankar Singh) handed him over the charge of said Panchayat on the said date. Earlier to making over the charge by his predecessor (Ravi Shankar Singh), he deposited folder including all the documents on 28.11.2015. No folder is yet to be deposited by the petitioner of the said Panchayat and no folder was given to him in charge by his predecessor and moreover there is no allegation of defalcation against the petitioner, hence no offence under Section 406 IPC is made out. He has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Nawada in connection with Nardiganj P.S. Case no. 17 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C

(Prakash Chandra Jaiswal, J)

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