

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29026 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- AKILPUR District- Saran
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HARENDRA PRASAD, aged about 53 years, male, Son of Late Shivrath Prasad Resident of - Vishwambharpur, P.S.- Vishwambharpur, Distt - Gopalganj, at present Panchayat Secretary, Gram Panchayat, Akilpur, Distt - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party
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Appearance :

For the Petitioner : Mr. Raj Kumar Mishra, Advocate.

For the Opposite Party: Mr. Ajay Mishra, Advocate.
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-05-2019

Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 175, 188, 409, 467, 468, 420 of the Indian Penal Code registered in connection with Akilpur P.S. Case No. 05 of 2019.

3. It is submitted that the petitioner has been falsely implicated in connection with non-submission of folders of three teachers relating to the period from 2003 to 2008 whereas the petitioner took charge as Panchayat Secretary only subsequently in the year 2016. The petitioner has submitted the folder of one of the teachers, Kumari Pushpa, which had been handed over to him at the time of taking charge, but the folders of the remaining



two teachers namely Sri Nageshwar Kumar Rai and Sri Ram Babu Prasad had not been handed over as evident from the letter dated 12.12.2018 of Ram Pravesh Rai, the then Panchayat Secretary (Annexure-4).

4. Learned APP appears and has been heard.

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 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, Saran at Chapra in connection with Akilpur P.S. Case No. 05 of 2019 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

6. The provisional bail shall be confirmed upon verification by the learned Court below, preferably within a further period of twelve weeks after furnishing of bail bond, from the Block Development Officer, Danapur, Patna with regard to genuineness of the letter dated 12.12.2018 said to have been written by Sri Ram Pravesh Rai, the then Panchayat Secretary, Akilpur, Dighwara, Saran. In case the petitioner's claim fails upon verification, his provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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