

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32131 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- KAJRAILICHAK District- Bhagalpur

1. SRI DEVKINANDAN MANDAL Son of Sri Babulal Mandal Resident of Village - Kamlakund, P.S.- Tintanga Karari (Gopalpur), District- Bhagalpur (Bihar)
2. Sri Laddu Mandal Son of Sri Umi Mandal Resident of Village - Bhawanpura, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar
For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-08-2019 No one appears on behalf of the petitioners.

I have gone through the records of the present case.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 409(A) of the Indian Penal Code.

The prosecution case as lodged by the Block Education Officer, Nathnagar is that as per the order of the Hon'ble Patna High Court in PIL No. 15459 of 2014 the folders of educational and training certificates alongwith files of merit list were required to be handed over to Vigilance Department for investigation. But despite several letters issued by District Program Officer (Establishment) Education Department,



Bhagalpur directing the F.I.R. named accused persons to submit the aforesaid documents they have not provided the same for investigation. Due to which it is alleged that they are having personal vested interest or they have got disappeared those folders.

It is stated in the petition that petitioners are Panchayat Sevak and posted in various Panchayat in Nathnagar. It is further stated in the petition that appointment of teachers in different Panchayats had been done prior to the joining of these petitioners. The matter is of the year 2003, 2005 and 2006 whose charge was not given to the petitioners. No offence under Section 409 of the I.P.C. is made out against the petitioners. It is further stated that similar case had been lodged in the year 2016 against 60 Panchayat Sachiv including these petitioners vide Kotwali P.S. case No. 85 of 2016 and in that case petitioners have been granted anticipatory bail by the Hon'ble Patna High. Petitioners of this case have been made accused twice at a time. Similarly situated co-accused have been granted the privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 19124 of 2016 dated 13.05.2016.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or



surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Bhagalpur in connection with Kajaraili Police Station Case No. 05 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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