

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41618 of 2019

Arising Out of PS. Case No.-183 Year-2016 Thana- BAHERA District- Darbhanga

DULARE CHOUDHARY Son of Ram Prasad Chaoudhary Resident of Ward
No. 5, Rasalpur Darbhanga, P.S.- Simri, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Veena Kumari Jaiswal

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bahera Police Station Case No. 183 of 2016, disclosing
offences under Sections 409/420/468/472/120B/34 of the Indian
Penal Code.

The allegation against the petitioner, on the basis of
the written report of the Block Education Officer, is that the
petitioner, in the capacity of Panchayat Secretary of Benipur
Panchayat, did not furnish the folders containing the documents
of appointments of Panchayat Teachers for the purpose of
enquiry to be held by the Vigilance Bureau.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case



inasmuch as the petitioner has joined Benipur Panchayat as Panchayat Secretary on 20.06.2011, whereas the alleged appointments were made in the years 2003, 2004, 2005 and 2006, and the petitioner, at the time of his joining in Benipur Panchayat, was not handed over the required folders by his predecessor-in-office and in this regard, the petitioner has already informed to the Block Development Officer, by his letter, dated 02.03.2016 (Annexure-4).

After having heard learned Counsel for the parties and taking into consideration that fact that the appointments relate to the years 2003, 2004, 2005 and 2006 and there is no material on record to show that the petitioner was handed over the folders of appointment of Teachers by his predecessor-in-office during handing over charge to him, this application is allowed.

Let the petitioner, Dulare Choudhary, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, in connection with Bahera Police Station Case No. 183 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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