

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55752 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- KOCHAS District- Rohtas

Kamlesh Tiwary @ Kamlesh Tiwari, Aged about 52 years, Male, Son of Janardan Tiwary, Resident of Village Nonsari, P.S. Nokha, District Rohtas, At present posted as Panchayat Secretary, Block Kochas, P.S. Kochas, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-09-2019 Heard both sides.

Petitioner apprehends his arrest in Kochas P.S. Case No.11 of 2019, registered under Sections 406 and 409 of the Indian Penal Code.

The gist of the allegation is that the petitioner being the Panchayat Secretary of Gram Panchayat Saraiya, Kapasia, Laheri, Kanjar, Balthari and Kochas did not hand over the folders and the relevant papers with regard to appointment of Panchayat Teachers to the Vigilance Department even after many reminders.

Learned counsel for the petitioner submits that the petitioner was not present as Panchayat Secretary in the aforesaid Gram Panchayats during the exercise of appointment



of Panchayat Teachers. The petitioner took charge from different Panchayat Secretaries only in the year 2016 and onwards and he handed over the papers what he received from his predecessors with regard to Panchayat of Saraiya, Kanjar and Kochas but his predecessor did not hand over the folders and any relevant paper with regard to appointment of teachers of Panchayats Kapasia, Laheri and Balthari and, therefore, he did not submit to the authority. It is submitted that there is no fault on the part of the petitioner and the authority has not submitted any paper to show that the petitioner received charge from his predecessors and the folders and relevant papers were handed over to the petitioner.

Mr. Ajay Mishra, the Special P.P. did not dispute this fact.

Taking into consideration the facts that the petitioner did not receive all the relevant papers with regard to appointment of Panchayat Teachers and consequently the petitioner was unable to hand over the relevant papers to the authority, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate, 1st, Sasaram in connection with Kochas P.S. Case No.11 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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