

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53723 of 2019

Arising Out of PS. Case No.-115 Year-2019 Thana- KATEYA District- Gopalganj

=====

BINAY SHANKER DUBEY Son of Late Bishwanath Dubey Resident of
Village - Narayanpur, P.O.- Uchkagaon, P.S.- Kuchaikote, District-
Gopalganj, Presently posted as the Block Education Officer, Basantpur, P.S-
Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms.Anita Kumari

For the Opposite Party/s : Mr.Ramchandra Singh

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Kateya P.S. Case NO. 115 of 2019, disclosing offences under
Section 409 of the Indian Penal Code.

The petitioner was posted as Block Education
Officer, Panchdeori in the District of Gopalganj in 2006. It is
alleged against him that the original documents of one Om
Prakash Pathak, who was appointed as Panchayat Teacher,
were in custody of the Block Development Officer, which
were untraceable.

Learned counsel for the petitioner has submitted
that the First Information Report has been registered more
than a decade after he left the place of his earlier posting.
He has further submitted that there are materials to



suggest that the concerned document was produced before the Deputy Development Commissioner, Gopalgang in a proceeding, which was pending before him at the relevant point of time. He has further submitted that merely on the ground that the documents are missing, the petitioner ought not to have been implicated in the criminal case.

Be that as it may, in the facts and circumstances of a case for grant of anticipatory bail is made out. This application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Additional Chief Judicial Magistrate-XV, Gopalganj in Kateya P.S. Case No. 115 of 2019, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

