

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61066 of 2019

Arising Out of PS. Case No.-482 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

Saiyad Mokhtar Alam @ Syed Mokhtar Alam the Panchayat- Sachiv, Gram Panchayat Raj Paharpur Manorath Sahebganj, Muzaffarpur Presently working in Block Bochaha, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sahebganj P.S. Case No. 482 of 2018, registered under Sections 467, 468, 471, 406, 409 and 34 of the Indian Penal Code.

The allegation against the petitioner as per the first information report, that the petitioner being the Panchayat Sachiv of Gram Panchayat Raj Paharpur Manorath, Sahebganj re-appointed one Md. Ali Akbar, Panchayat Shikshak in the Primary School Semra Nanhkar Urdu Sahebganj, despite having the charges of embezzlement of government fund.

Learned counsel appearing for the petitioner submits



that petitioner is innocent and has unnecessarily dragged in this case, inasmuch as petitioner in the capacity of the Panchayat Sachiv has merely implemented the direction of the superior authority i.e. D.P.O., SSA Muzaffarpur and the decision of the Panchayat Appointment Committee to re-appoint Md. Ali Akbar primary teacher.

Learned counsel for the petitioner in support of this argument referred Annexure-3 which is letter dated 24.06.2017 issued by the District Programme Officer, SSA Muzaffarpur in which he has stated that the Charged Officer i.e. Md. Akbar Ali has deposited a sum of Rs. 11,35000/- and he has been exonerated from all the charges.

Learned counsel referring to Annexure-4 series filed along with the supplementary affidavit submits that in pursuance of Annexure-3 and the decision of the appointment committee of the Panchayat which was taken in its meeting, letter dated 05.07.2017 was issued by the petitioner reinstating the Charged officer Md. Akbar Ali on his post. Learned counsel further submits that District Programme Officer, SSA, Muzaffarpur has been granted bail by this court in Cr. Misc. No. 12588 of 2019.

After having heard learned counsel for the parties and



taking into consideration the fact that petitioner has implemented the order issued by the District Programme Officer, SSA Muzaffarpur and the decision of the Panchayat Appointment Committee and DPO has already been granted bail by coordinate bench of this court, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-I West Muzaffarpur in connection with Sahebganj P.S. Case No. 482 of 2018; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Rajeev Kumar/-
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