

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59399 of 2018

Arising Out of PS. Case No.-44 Year-2016 Thana- KALYANPUR District- East Champaran

Rajeshwar Singh, S/o Late Brahmdeo Singh, R/o Vill.- Gad Sirisiya, P.S.-
Palanwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Sharan, Adv. Mr. Rajesh Kumar, Adv. Mr. Kundan Rathore, Adv.
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 07-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 175, 188, 408/34 of the I.P.C.

The prosecution case, as per the written report of Mohan Prasad, Block Development Officer, Kalyanpur submitted to the Station House Officer, Kalyanpur Police Station, is to the effect that an enquiry was conducted in pursuance to the order passed by a co-ordinate Bench of this Court with regard to illegal appointment of panchayat teachers. It is alleged that during enquiry the vigilance demanded folders with respect to the appointment of panchayat teachers made in the Kalyanpur



Block but the petitioner, being the Panchayat Secretary failed to produced the same.

It is submitted by the learned counsel for the petitioner that since the petitioner was not given charge of the teacher's appointment folder for the year 2003-04 and 2005-06, hence, he could not produce the same. It is further submitted that the petitioner has already retired from service. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State, after going through the case diary, submits that the petitioner failed to produce the teacher's appointment folder.

Considering the fact that whether the petitioner was given charge of teacher's appointment folder, or not moreover the case diary does not suggest that any investigation has been conducted to that effect, and above all the petitioner has already retired from service, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned **C.J.M., Motihari, East Champaran** in connection with **Kalyanpur P.S. Case No. 44 of 2016**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/-

U		T	
---	--	---	--

