

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69262 of 2019

Arising Out of PS. Case No.-223 Year-2018 Thana- RAJAOLI District- Nawada

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1. JAY NANDAN PRASAD S/O Late Rameshwar Prasad Resident of Village- Dihuri, P.S.- Hisua, District- Nawada.
 2. Kailash Ram S/o Late Ramtahal Ram Resident of Village - Gangadih, P.S.- Govindpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Rajauli P.S. Case No. 223 of 2018 instituted for the offence
under Section(s) 409 of the Indian Penal Code.

It is submitted by the petitioners' counsel that the
petitioners are government employees and have falsely been
implicated in the instant case. Learned counsel further submits
that they have no concern with the appointment of teachers and
at the time of selection they were posted in some other
Panchayat.



Petitioners' counsel submits that petitioner No.1 was the *Panchayat* Secretary of the *Gram Panchayat* Sabiya Tarh whereas the petitioner No.2 was the *Panchayat* Secretary of the Amawan East *Panchayat*, but, they had not received the charge of papers concerning the appointment of teachers from the earlier *Panchayat* Secretary and that the petitioners had no concern with the appointment of teachers. They were posted in some other *Panchayats* at the time of selection process in *Gram Panchayats* of Sabiya Tarh and Amawan East *Panchayat* respectively and that co-accused has been granted anticipatory bail in Cr. Misc. No. 75956 of 2019.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

In order to maintain parity with the co-accused of the instant case, who has been granted the privilege of anticipatory bail in Cr. Misc. no. 75956 of 2019, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **CJM, Nawada**, in



connection with **Rajauli P.S. Case No. 223 of 2018** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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