

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10278 of 2020

Arising Out of PS. Case No.-294 Year-2019 Thana- ALAMNAGAR District- Madhepura

Rajesh Kumar (male), aged about 39 years, Son of Late Karmlal Yadav,
Resident of Village - Baijnathpur, P.S. - Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-06-2020 Heard Mr. Ansul , learned counsel for the petitioner
and Mr. Binod Kumar, learned Additional Public Prosecutor
appearing for the State through video conferencing.

The petitioner apprehends his arrest in connection
with Alamnagar P.S. Case No. 294 of 2019 registered for the
offence punishable under Section 420, 201, 120-B/34 of the
I.P.C.

The allegation against the petitioner as per the First
Information Report is that one Amit Kumar Himanshu, A.S.I.
caught an accused person namely, Vikash Kumar with illicit
liquor and brought him to Police Station where one A.S.I. Gauri
Shankar Singh wrote a formal F.I.R. on the basis of written
report of A.S.I. Amit Kumar Himanshu upon which F.I.R. No.
264 of 2019 was mentioned and arrest memo was prepared by



A.S.I. Gauri Shankar Singh, which bears the signature of the petitioner as Station House Officer. It has further been alleged that the said F.I.R. was subsequently changed with an another case instituted by one Nilu Devi on 17.10.2019 and all the accused persons with common intention and for wrongful gains has changed F.I.R. No. 264 of 2019 dated 13.10.2019 into FIR No. 264 of 2019 in which one lady is the informant.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Learned counsel further submits that when the matter was reported to the higher officials, an inquiry was conducted by S.D.P.O., Udakishunganj, who submitted his report, which is part of the present First Information Report. Learned counsel referring to the report submits that after investigation the S.D.P.O., Udakishunganj came to the conclusion that petitioner was not vigilant at the time of putting his signature on the 1st F.I.R. drawn by Gauri Shankar Singh and that shows the negligence of the petitioner in performing his duties. Inquiry report further mentions that there was main role of Gauri Shankar Singh in changing the F.I.R. in question. Learned counsel further submits that from perusal of the material on record it would be evident that petitioner had no intention to



commit the present offence. He may be negligent or careless in discharge of his official duty for which a regular departmental proceeding has been initiated against him and memo of charge in Form -A has been served upon him on 23.12.2018. Learned counsel further submits that apart from this the petitioner has been debarred from having a posting as Officer-in-Charge for next 10 years by superior authority vide Memo No. 3695 dated 05.12.2018. Learned counsel submits that petitioner has impeccable record and during his tenure between 2011 to 2019 no complaint whatsoever of any nature had come against the petitioner.

On the other hand, learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that petitioner being the S.H.O. is responsible for his conduct and from perusal of the F.I.R. it is evident that the petitioner has put his signature upon the 1st F.I.R. written by Gauri Shankar Singh, but he did not take care that the same F.I.R. is recorded in the register put in the Police Station.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that in the preliminary inquiry superior authority of the petitioner has come to the finding that the petitioner was



negligent and careless in the discharge of his duty, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 294 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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