

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10053 of 2020

Arising Out of PS. Case No.-8 Year-2019 Thana- SINGHWARA District- Darbhanga

SHREE NARAYAN MANDAL, S/o Late Shaukhi Mandal, R/o village-
Jethiyahi, P.S.- Keoti, District- Darbhanga, presently posted as Panchayat
Sachiv, Panchyat Raj Sanahpur Bujurg, P.S.- Singhwara, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dileep Kumar Singh

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-06-2020 This case has been heard through Video
Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 409, 420 of
the Indian Penal Code.

Prosecution case in brief is that the informant is a
Block Education Officer, Singhwara, Darbhanga submitted a
typed report before the police at the instance of the Principal
Secretary, Education Department against the accused persons
including this petitioner, who are Panchayat Secretary of
different Panchayats, alleging therein that a Vigilance Bureau



was constituted on the direction of the Hon'ble High Court to examine the authenticity of the documents submitted by the Panchayat Teachers on the basis of which they secured their appointment. It has been further alleged that several letters being letter nos. 675, 676, 678, 680 and 681 dated 22.12.2018 were written by the informant to the accused persons directing them to produce all the original documents including the applications, merit list, Mark sheet, certificates relating to the appointment of Panchayat Teachers who were appointed during the period ranging from 2003 till date, before the Vigilance Bureau, for verification of the genuineness of those documents, but despite several directions they did not submit those original documents. It has been alleged that the accused persons fraudulently cheated the government and also committed the offence of criminal breach of trust.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner was earlier posted as Panchayat Secretary in Sadar Block, he was transferred to Singhwara Block and as per order petitioner took charge of Panchayat Raj Sanahpur Bujburg on 08.01.2018 from then Panchayat Sachiv namely Md. Islam and on the same date list was prepared for exchange of charge.



Learned counsel further submits that vide Gayapank 680 dated 22.12.2018 informant directed to petitioner to handover attested photostat copy of original application, annexure, Megha Suchi and roster of teacher appointment from year 2003 to update for enquiry/investigation of vigilance.

Learned counsel for the petitioner further submits that the entire record relating to appointment of teachers during the period ranging from 2003 till date had not been handed over to him by his predecessor at the time of taking over charge is at Annexure-2 of the bail petition. On receipt of the aforesaid letter, the petitioner orally informed the Block Development Officer, Singhwara about the aforesaid fact, who asked the petitioner to give this in writing to the informant in this regard. On 24.12.2018 the petitioner tried to submit his response in this regard in writing to the informant of this case but the informant refused to receive the same. When the grievance of the petitioner was not heard by the informant, and as the petitioner came to know that a case has been instituted, a petition was submitted by the petitioner to the Sr. Superintendent of Police with a prayer for proper investigation. The petitioner has no criminal antecedent.

Learned APP for the State vehemently opposes the



prayer for bail petition.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Darbhanga in connection with Singhwara P.S. Case No. 08 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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