

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8256 of 2020

Arising Out of PS. Case No.-14 Year-2019 Thana- PARAIYA District- Gaya

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NARESH PRASAD SINHA @ RAM NARESH PRASAD SINHA S/o Late
Nawal Kishore Sinha Resident of Reliance Towae Gali, Chand Chaura, P.S.-
Vishnupad, Distt- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Paraiya PS Case No. 14
of 2009 registered under Sections 409/34 IPC.

The FIR is based on the allegation that the District
Programme Officer (Establishment) had directed the officials
including the Panchayat Sachiv to send folder file of Niyojit
Shikshaks which has not been complied by the petitioner. The
allegations pertain to the period 2003 to 2006 when the petitioner
was allegedly the Panchayat Sachiv and had not complied with the
directives.

Counsel for the petitioner submits that many years later
in the year 2019 such allegations have been levelled by the instant
FIR. At the time of handing over charge of the place in question the
petitioner had handed over all the folder files. It is also submitted that
if at all the allegations at best constitute allegation for which the
authorities should have enquired from the petitioner's successor in
the office. The petitioner is accused in another case of similar
allegation in which he has already been granted anticipatory bail



earlier.

Learned APP has opposed the prayer.

Considering the rival submissions this Court is inclined to accept the submission on behalf of the petitioner. The prayer is allowed.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Gaya in Paraiya PS Case No. 14 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

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

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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