

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23840 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- District- Sitamarhi

SHAILENDRA KUMAR S/o Mahesh Bhagat Resident of Village- Parsa Khurd Ward No.-4, P.S.- Kanhauli, Distt- Sitamarhi. At present Incharge Headmaster of Primary School Orlahiya Panchayat Bhaluaha, P.S.- Kanhauli, Distt- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-11-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Ashok Kumar, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Kanhauli PS Case No. 84 of 2019 registered under Sections 188, 409 and 511 of the IPC.

The Panchayat Secretary has lodged the FIR that the claim of the petitioner of having arranged food in Community Kitchen for 45 persons has been found to be false on physical verification.

It is submitted by learned Counsel for the petitioner that



he is Headmaster and therefore responsible for running the Community Kitchen. No such claim has been made by whats-app as stated by the informant. The beneficiaries, who were examined in course of investigation, have stated in para 7, 8 and 10 that food was provided at the Community Kitchen. The implication of the petitioner is by the Panchayat Secretary on extraneous consideration. The petitioner has no criminal antecedent and is a responsible person.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, 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 Sitamarhi in Kanhauli PS Case No. 84 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

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

