

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25453 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- KHIJARSARAI District- Gaya

RAMBALI PRASAD @ RAMBALI YADAV S/o Bhagwat Prasad Resident of Mohalla-Narayan Nagar Manpur Near Sudha Talkies, P.S.-Mufasil, District-Gaya, Permanent resident of Village-Paharpur, P.S.-Wazirganj, District-Gaya.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Ms. Manisha Prakash, Advocate.
For the State : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 12-11-2020 Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Khizarsarai P.S. Case No.27 of 2019 registered under Sections 409 and 420/34 of the Indian Penal Code.

The accusation is that in the light of Memo No.3290 dated 14.09.2018 of the Vigilance Cell, Gaya, and Memo No.2472 dated 13.02.2018 of the District Education Officer, Gaya, Block Development Officer, Khizarsarai, informed the ten Panchayat Secretaries including the petitioner, Panchayat Secretary of Bihta, to deposit the application register, merit list and the applications regarding the appointment of Panchayat



Teachers, in course of inquiry, but the same has not been furnished.

Learned counsel for the petitioner submits that, in fact, the petitioner was posted as Panchayat Secretary in Block-Khizarsarai, in the year 2005 but he was transferred from there through Memo No.81(Mu.) dated 25.06.2005 of the District Magistrate, Gaya, to Barachatti alongwith some other Panchayat Secretaries at different places and in compliance of the same, the petitioner handed over the charge of Panchayat Secretary of Panchayat-Bihta to Rampravesh Pandit, Panchayat Sewak, on 25.07.2005 regarding the several documents including the register of application of Panchayat Teachers, register of appointment of Panchayat Teachers and Merit List of Panchayat Teachers for the year 2003, which would appear from Annexure-3 to this application, and the information in this regard was given to Block Development Officer, Khizarsarai, Gaya, by the petitioner on 30.07.2005, which would appear from Annexure-4 to this application. On mere suspicion, the petitioner has been made accused in this case.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be



enlarged on bail on his furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Additional Chief Judicial
Magistrate-IV, Gaya, in connection with Khizarsarai P.S. Case
No.27 of 2019, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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