

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 71065 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- NAUTAN District- West Champaran

1. MANGAL PRASAD YADAV Son of Late Sitaram Yadav Resident of Village- Manchangwa, P.S.- Ramnagar(Gobardhana), District- West Champaran, the then Panchayat Sachiv, Pashchimi Nautan Panchayat, Nautan Prakhand, West Champaran.
2. Vishwanath Pandey Son of Late Ramchandra Pandey Resident of Village- Manchangwa, P.S.- Ramnagar(Gobardhana), District- West Champaran, At Present, Prakhand Shikshak, Upgraded Middle School, Manchangwa, Ramnagar, West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sri Ashok Kumar Sinha, Police Inspector, Vigilance Investigation Bureau, Muzaffarpur Range, North Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **06-03-2020** Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with Nautan Police Station (for brevity, *PS*) Case No 170 of 2019 instituted for the offence punishable under Section (s) 420, 467, 468, 471, 120B of Indian Penal Code.

First Information Report alleges selection of Panchayat Teachers by committing various manipulations in the process of selection and that persons have been appointed on the basis of



forged and false documents. Petitioners are alleged to be Panchayat Secretary and Block Teacher respectively at the relevant time when selection was made in the year, 2008. Petitioners' counsel submits that from perusal of the FIR itself, it is obvious that if at all any case is made out on that basis, the same gives rise to a collective responsibility. Petitioners cannot be fastened with the whole responsibility. The Mukhiya, namely, Rambhago Devi has been allowed the privilege of anticipatory bail in Cr Misc No 78741 of 2019. Petitioners have no criminal antecedent.

Learned counsel for the Vigilance submits that the Panchayat Secretary was the custodian of the documents and he cannot escape his responsibility in the instant case.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan PS Case No 170 of 2019 subject to the conditions as laid down under



Section 438 (2) of Criminal Procedure Code and also the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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