

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70912 of 2019

Arising Out of PS. Case No.-223 Year-2018 Thana- RAJAOLI District- Nawada

Anil Kumar Son of Pramod Prasad Singh Resident of Village - Dumrawan,
Post- Dumrawan, P.S.- Dumrawan, Distt.- Nalanda., Pin- 805124.

... .. Petitioner

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar
		Ms. Roona
For the Opposite Party/s :		Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-03-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in Rajauli PS Case No. 223
of 2018 registered under Section 409 IPC.

The allegation in the FIR is regarding non submission of
folder containing record of appointment of Panchayat Tachers so as
to frustrate the enquiry into the appointment of teachers. The
petitioner who was a Panchayat Sachiv at Amawan, is alleged to have
not submitted the folder/document showing appointment of
Panchayat Teachers during the period 2003, 2006 and 2008.

Counsel for the petitioner submits that the allegations per
se do not constitute any allegation as there is no allegation that the
documents were not supplied for any material consideration. It is
further submitted that the documents were duly submitted by the
petitioner. The communication (Annexure 3) has been placed on
record in the bail application. It is further submitted that others who
were also accused in this case have been allowed anticipatory bail in
Cr. Misc. Nos. 69262 of 2019 and 75956 of 2019.

Learned APP has opposed the prayer saying that it is



because of the petitioner that the enquiry into legitimacy of the appointment was frustrated.

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 Nawada in Rajauli PS Case No. 223 of 2018 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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