

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73896 of 2019

Arising Out of PS. Case No.-273 Year-2017 Thana- PHULPARAS District- Madhubani

CHANDAN KUMAR JHA S/o Late Gaurikant Jha @ Late Gaurikant Jha R/o
village- Adarsh Nagar, Colony, Kamat Bhawanipur Ward No. 13, Panchayat
Sapta, P.S.- Rahika, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kr. Bharti, Adv

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 06-03-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Phulparas Police Station Case No. 273 of 2017,
disclosing offences under Sections 167, 170, 464, 465, 466, 468
and 420 of the Indian Penal code.

The allegation against the petitioner is that petitioner
forwarded an absentee report of one Anil Kumar Jha, Senior
Accounts Clerk, by putting a forged and fabricated signature of
Executive Engineer to the office of Rural Works Department,
Biroul. It has been further alleged that being In-charge Clerk,
the petitioner has also taken away the service book and files of
the Department.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He submits that the petitioner was served with charge memo and an enquiry was initiated against the petitioner and in the said enquiry it has been found that the charge of putting forge signature was not correct. With regard to the charge of taking away the departmental files, the explanation of the petitioner was that due to ailment of his mother, the petitioner could not submit the entire charge to the concerned officer and kept the files in the almirah of the office and handed over the key to the Accounts Manager and from perusal of page 25 of the enquiry report, it would be evident that during the course of departmental proceedings the petitioner has already handed over the concerned files to the Department.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that in the departmental enquiry, charge of making forge signature against the petitioner has not been proved and the petitioner has already handed over files of the department to the concerned person, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioner, CHANDAN KUMAR JHA, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IInd, Jhanjharpur (Madhubani), in connection with Phulparas Police Station Case No. 273 of 2017, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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