

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28686 of 2021

Arising Out of PS. Case No.-84 Year-2016 Thana- BAGHA District- West Champaran

Shri Krishna Ram, Gender- Male, aged about 52 years, son of late Babulal Ram, resident of village - Jinwaliya, P.S. - Chanpatiya (Sirisiya O.P.), District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the State	:	Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 07.07.2021, which was allowed.

3. Heard Mr. Ansul, learned counsel for the petitioner and Ms. Gulnar Begum, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Bagaha PS Case No. 84 of 2016 dated 13.03.2016, instituted under Sections 420, 409, 188, 353/34 of the Indian Penal Code.

5. The allegation against the petitioner is that he being the Panchayat Secretary of Gram Panchayat Raj Nadda and Gram Panchayat Raj Sigari Pipariya in the district of West



Champan, had not submitted the complete record relating to employment of Panchayat teachers.

6. Learned counsel for the petitioner submitted that due to various reasons, it was a *bona fide* omission on the part of the petitioner in not submitting the relevant documents in time, but the same was not deliberate as the records had to be compiled. However, without contesting the allegation, it was submitted that as of now, all the documents have been submitted to the competent authority i.e., the Block Education Officer, Bagaha-1, West Champaran, in support of which learned counsel drew the attention of the Court to Annexure-3, which is copy of the 'No Dues Certificate' issued by the said officer dated 15.03.2019. It was submitted that the petitioner is in service and there has not been any complaint against him in past and most importantly, there is no allegation of any wrong doing in the exercise and the allegation is simply that he had not handed over the concerned records. Learned counsel submitted that similarly situated co-accused, who are also Panchayat Secretaries of other Panchayats have been granted anticipatory bail by coordinate benches; namely, Paras Prasad Yadav, by order dated 25.07.2019 passed in Cr. Misc. No. 45934 of 2019 and Nagendra Sah by order dated 30.08.2019 passed in Cr.



Misc. No. 54466 of 2019.

7. Learned APP submitted that the petitioner had kept all the records which clearly shows that he had not discharged the responsibility of the post he was holding, which is a serious comment on a public servant.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, in Bagaha PS Case No. 84 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses and (iv) that the petitioner shall cooperate with the Court and the



police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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