

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17084 of 2022

Arising Out of PS. Case No.-470 Year-2021 Thana- RAXAUL District- East Champaran

MRITUNJAY MRINAL S/o Late Nagendra Sharma R/o Mohalla- Shivpuri
Colony, Ward No. 22, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19680 of 2022

Arising Out of PS. Case No.-470 Year-2021 Thana- RAXAUL District- East Champaran

CHANDRA SHEKHAR KUMAR Son of Late Vishwanath Kunwar Resident
of Village - Bara Preuwa, Ward No.1, P.s.- Raxaul, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17084 of 2022)

For the Petitioner/s :	Mr. Sanjay Singh, Sr. Adv
	Mr. Rudrank Shivam Singh
For the Opposite Party/s :	Mr. Uday Chand Prasad
	Mr. Arun Kumar Pandey, Adv
	Mr. Dhanendra Chaubey, Adv

(In CRIMINAL MISCELLANEOUS No. 19680 of 2022)

For the Petitioner/s :	Mr. Sanjay Singh, Sr. Adv
	Mr. Rudrank Shivam Singh
For the Opposite Party/s :	Mr. Uday Chand Prasad, APP
	Mr. Arun Kumar Pandey, Adv
	Mr. Dhanendra Chaubey, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 22-09-2022 Heard learned senior counsel for the petitioners and

counsel for the Nagar Parishad and learned Additional Public

Prosecutor for the State.

Learned senior counsel for the petitioners undertakes to



remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 409/34 of the Indian Penal Code.

The prosecution story in short is that on the orders of District Magistrate, East Champaran and as directed by Executive Officer, the proceeding books of Standing Committee from 2017 to 30.08.2021, the proceeding book of ordinary board of Ward Commissioners, the original file pertaining to the purchase of slaughter house, the original file of the land purchase for land fill site has been misplaced by the accused persons and hence criminal case instituted against them.

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and hav committed no offence. They have been falsely implicated in this case merely on premises and conjecturers. No such occurrence, in the manner as alleged, has ever taken place. Petitioner Chandra Shekhar was on medical leave from 24.03.2021 to 02.05.2021 and was thus not attending office, therefore, petitioner



Mrityunjay Mrinal was the custodian of the files being the Upper Division Clerk in the office of Nagar Parishad, Raxaul. He in his show cause has categorically stated that the files were asked for by the Executive Officer and the Chief Councilor on 10.04.2021. The petitioners have categorically in their show cause has stated that the files thereafter had not been returned by the Executive Office and the Chief Councilor. One Dilip Kumar Bharti has filed a Public Interest Litigation before this Hon'ble Court being C.W.J.C. No.15170 of 2021 on 18.02.2021 with a prayer to dissolve the Municipal Council Raxaul on amongst other prayer. The said Dilip Kumar Bharti is the close relative of the Chairman/Chief Councilor Smt. Usha Devi. In the brief of this PIL the entire records which are alleged to have been misplaced by the petitioner has been annexed with the writ petition. This clearly demonstrates that the said records which has been handed over to the Chief Councilor and Executive Officer on 10.04.2021 is in their custody. The copy of this writ application had been served on the District Magistrate and the Executive Officer who have directed for the institution of the present FIR against the two grade III employees of the Nagar Parishad. The petitioners have been made accused in order to protect the Chief Councilor and the Executive Officer who in



collusion with the vendors of the property being purchased by the Nagar Parishad for the land fill and the slaughter house. Petitioner Mrityunjay Mrinal has one criminal antecedent and petitioner Chandra Shekhar Kumar has two criminal antecedent which is also mentioned in para-3 of the bail applications.

Learned APP for the State as well as learned counsel for the Nagar Parishad opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Raxaul P.S. Case No.470 of 2021, (G.R. Case No.1315 of 2021), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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