

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49288 of 2022

Arising Out of PS. Case No.-200 Year-2018 Thana- SHAMBHUGANJ District- Banka

NARAYAN HARIJAN SON OF LATE MUSAHARU HARIJAN R/O
VILLAGE AND P.O.- KOUSHALPUR, P.S.- AMARPUR, DISTRICT-
BANKA. THE THEN PANCHAYAT SECRETARY, GRAM PANCHAYAT-
PADARIYA, BLOCK- SHAMBHUGANJ, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha, Advocate Mr.Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s	:	Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 467,
468 and 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a retired
Panchayat Sevak and the informant alleges that one Sumit
Kumar @ Babban Kumar representing himself as Ajay Kumar
got appointment on the post of Pimary Teacher in the Primary
School, Narayanpur and thus misappropriated government
funds.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner as Panchayat Sevak retired in the year 2015, it is also submitted that before instituting the FIR at least an explanation ought to have been called from the petitioner, despite the fact that he had retired so that he could have answered the allegations but instituting an FIR and that too when the petitioner stands retired clearly reflects that the authorities acted in haste. Learned counsel further submitted that in terms of Bihar Pension Rules since the petitioner has now retired in the year 2015 as such government cannot proceed against him nor any action under Rule 139 of the Bihar Pension Rules can also be initiated thus the present FIR came to be instituted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Shambhuganj P.S. Case No. 200 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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