

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60229 of 2021

Arising Out of PS. Case No.-73 Year-2019 Thana- NAUBATPUR District- Patna

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1. MATHURA PRASAD S/o LATE SHIV YATAN SAO R/o VILLAGE-PALIGANJ, P.S-PALIGANJ, DISTRICT-PATNA.
 2. MAHENDRA VERMA S/o LATE SUKESHWAR SINGH R/o VILLAGE-GAUSGANJ, P.S-KHIRIMORE, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam, Advocate

For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant, a Block Education Officer, alleges that an investigation was going on by the Vigilance with respect to appointment of Niyojit Teachers in between years 2003-2010 and as such the Vigilance required appointment folders including the merit list roster from the appointment unit, it is alleged that the petitioners being



Panchayat Secretaries failed to make available the appointment folders of 17 teachers of Gram Panchayat Raj Nisarpura and 13 teachers of Gram Panchayat Raj Naubatpur for verification by the Vigilance.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that petitioners now have retired and the present F.I.R. came to be instituted after their retirement based on an inquiry conducted behind their back. Learned counsel further submits that had the petitioners been given an opportunity to explain then they would have been in a better position to explain the fact that they were not the appointing authorities of the teachers and as such were not in possession of the appointment folders of the teachers.

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

Considering the submissions made by the learned counsel for the petitioners and the fact that the F.I.R. came to be instituted after retirement of the petitioners, the petitioners above-named, in the event of their 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.



5,000/- (Rupees 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 Naubatpur P.S. Case No. 73 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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