

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61575 of 2021**

Arising Out of PS. Case No.-27 Year-2019 Thana- ATRI District- Gaya

RAJROOP YADAV S/o Puna Yadav Resident of Village- Mahmampur, P.O.-
Itwan, P.S.- Mohanpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr.Ajay Mishra

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 17-10-2022 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends arrest in a case registered
for the offence punishable under section 409 of the Indian Penal
Code.

Prosecution case is that the petitioner being a
Government servant did not provide the records and documents
regarding appointment of teachers to his senior officials and
thus committed breach of trust.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He submits that First Information Report was lodged with
ulterior motive to harass the petitioner. Petitioner while
working as Panchayat Secretary, Imamganj Bolck, Gaya retired



on 30.4.2018 by which date he had handed over the charge to his successor and there was no allegation of committing breach of trust against him and only by letter dated 14.9.2018 he was made accused in this case. Moreover, petitioner was working on a small post having limited jurisdiction and it was the BDO, Imamganj and the informant who were controlling officer and custodian of records. Petitioner has got no criminal antecedent.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate VIII, Gaya in Atri Police Station Case No. 27 of 2019, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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