

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67272 of 2021**

Arising Out of PS. Case No.-84 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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ARUN KUMAR SAXENA Son of Late Mahesh Narayan Das Resident of
village - Kamalpur, P.S.- Pandaul, District - Madhubani, Presently posted as
Circle Officer, Biraul Circle, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Raj, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2022 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 406, 409,
420 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case, it is next submitted that from bare
perusal of the allegation as alleged in the FIR it would manifest
that primarily the thrust of the allegation is that the collection of
revenue with regard to settlement of bus stand was less than the
estimated values, it is next submitted that for the said purpose an
inquiry committee was constituted but the petitioner was not



able to produce all the documents before the committee as he was suffering from Covid but after regaining his health, he produced all the documents, as pleaded in Para-14 of the anticipatory bail application based on which the District Magistrate, Darbhanga issued Letter No. 798 dated 27.02.2021 directing to inspect and inquire again in the matter based on the documents produced by the petitioner on 24.02.2021. It is next submitted that it absolutely defies all logic, wisdom and reasonable administrative behaviour that the same Collector who by his letter dated 27.02.2021 had directed for examining the documents submitted by the petitioner on 24.02.2021, issued Letter No. 821© dated 01.03.2021 addressed to the Additional Chief Secretary, Revenue and Land Reforms Department to take action against this petitioner which clearly reflects the mindset of the Collector as he did not even wait for the inquiry of the documents. Learned counsel next submits that the petitioner was suspended and thereafter his suspension was revoked and he was posted as Circle Officer, Biraul vide notification dated 29.06.2021 which also goes to demonstrate that even the authorities realised that the charges as such were not very serious, it is next submitted that the Principal Secretary, Department of Home, Government of Bihar vide his Letter No.



6211 dated 09.06.2018 had already issued direction that before filing any criminal case, permission of the higher authority is necessary but the present FIR was issued in complete breach of the same. The learned counsel next submits that petitioner is a Government Officer as such he will not abscond and he will co-operate in the investigation and trial.

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) 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 Sadar P.S. Case No. 84 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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