

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10498 of 2023

Arising Out of PS. Case No.-33 Year-2014 Thana- PURUSHOTTAMPUR District- West
Champaran

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Rojvina Khatoon @ Rijvina Khatoon, aged about 40 years, Female, Wife of
Bada Neshar @ Nesar Ahmad R/O Village - Bedihari, P.S.- Purushottampur,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-05-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Mishra,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Purushottampur P.S. Case No. 33 of 2014 registered for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

3. Allegation against the petitioner, who is Mukhiya
and Chairman of Selection Committee of the Gram Panchayat,
namely, Laxmipur Gram Panchayat, District- West Champaran
is that he has selected candidates against the circular of the
government. The petitioner admits that candidate was not 40%
disable and selected an illegible panchayat teacher in



handicapped category. He submitted that petitioner was not aware of the circular. The Committee was responsible to know about selection procedure and reservation policy. Petitioner has clean antecedent.

4. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

5. Considering the allegation made by the Block Development Officer, Block- Mainatand appears to be vested with his personal interest ignoring to have recorded violation of any terms and conditions of the circular of the government. The aggrieved party have remedy before the District TRT. Dragging the petitioner in criminal case for having not fulfilled the eligibility criteria for selection in handicapped category is unwarranted. The FIR is devoid of any overt act to have been committed by the petitioner. I am of the opinion that petitioner has *prima facie* made out a case to be released on bail.

6. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 4th, Bettiah, West Champaran in



connection with Purushottampur P.S. Case No. 33 of 2014,
subject to the condition as laid down under Section 438(2) of
the Cr.P.C.

(Purnendu Singh, J)

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