

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17906 of 2023

Arising Out of PS. Case No.-1150 Year-2022 Thana- MADHEPURA District- Madhepura

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UMESH KUMAR S/O LATE DEO NARAYAN YADAV Resident of Village-
Ithari P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv.
	:	Mr. Dinesh Prasad Verma, Adv.
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-08-2023 Heard learned senior counsel for the petitioner and

learned APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468 and 469 of the Indian Penal Code pending in the learned court below.

3. There is allegation against the petitioner is that on the complain of one Shailendra Kumar an enquiry has been made by the District Education Officer in which it is found that in the selection unit of the Madhuban Panchayat, made counseling of the candidate, namely, Ankit Kumar in the quote of Freedom Fighter is completely wrong and it is the violation of the Roster and Departmental Rule/Law.

4. Learned senior counsel for the petitioner submits



that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was a member secretary of the selection unit and he is very limited role in selection. He submits that one selected teacher of secondary and upper secondary school which has been nominated by the District Education Officer. He further submits petitioner has retired from the service and there is no specific overt act against him. He submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State filed a detailed counter affidavit and stated that in para 11 that a detail enquiry was made by D.E.O., Madhepura then it came into light that the illegality has been committed by petitioner. The role of petitioner was limited in selection process. The Panchayat Secretary (petitioner) has right to issue appointment letter and merit list was prepared under supervision of petitioner who was the then Panchayat Secretary of Gram Panchayat Madhuban (Madhepura), so the petitioner was the then Panchayat Secretary of Employment Unit and he committed illegality in counseling and the allegation against the petitioner has been proved. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the



case, I am not inclined to enlarge the petitioner on bail in connection with Madhepura (Bharrahi) P.S. Case No. 1150/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that petitioner is retired from the service.

(Anjani Kumar Sharan, J)

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