

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32972 of 2023

Arising Out of PS. Case No.-207 Year-2022 Thana- PURNAHYA District- Sheohar

GAJENDRA SINGH SON OF LATE RAMANAND SINGH R/O Village-
Aura P.S. Tariyani, District- Sheohar, at present Sheohar Ward No. 09 P.O.
Sheohar District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 21-07-2023 Heard Mr. Neeraj Kumar Alias Sanidh, learned
counsel appearing on behalf of the petitioners and Mr. Ajay
Mishra, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in
connection with Purnahiya P.S. Case No. 207 of 2022, dated
22.12.2022, registered under Sections 409 of the Indian
Penal Code.

3. Learned counsel appearing on behalf of the
petitioner submits that pursuant to general direction passed
in C.W.J.C. No. 15459 of 2014 and C.W.J.C. No. 17115 of
2019, though the Judgment have not been brought on
record, but he has informed that Hon'ble Court has directed



for holding an enquiry with respect to appointment of the teachers of the local bodies made in the year 2005. The petitioner being Panchayat Secretary, was not related to the Tariyani Panchayat. However, at the point of time he was posted at Purnahiya Panchayat, Sheohar and now the petitioner has already retired from the post of Panchayat Secretary and cannot submitted documents after his retirement which is in custody of the present Pachayat Secretary.

4. Learned counsel appearing on behalf of the State submitted that specific direction was passed in C.W.J.C. No. 15459 of 2014 and C.W.J.C. No. 17115 of 2019 and the Block Education Officer, Sheohar has complied the order of this Court only by lodging F.I.R. on 22.12.2022 against the petitioner and other co-accused. The Block Education Officer in connivance with the petitioner and other co-accused has led to non-compliance of the order of this Court.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.



6. Having considered the rival submissions made on behalf of the parties as well as the facts that Block Education Officer, Sheohar posted at the relevant point of time having knowledge of the fact that there is specific direction of this Court in C.W.J.C. No. 15459 of 2014 and C.W.J.C. No. 17115 of 2019, had not taken any action to comply with the order of this Court, which led to the fact that no action was taken against the petitioner, who was posted as Panchayat Secretary in different Panchayat in the District of Sheohar. The petitioner after his retirement is not in possession of any documents relating to the teachers appointed under his jurisdiction or at the place mentioned in the F.I.R. by the Block Education Officer, Sheohar. The petitioner has prima facie made out a case to be released on bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned I/c S.D.J.M., Sheohar in connection with Purnahiya P.S. Case No. 207 of 2022, subject to the condition as laid



down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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