

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42055 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- PANDAUL District- Madhubani

AJAY KUMAR THAKUR Son of Late Vishw Nath Thakur Resident of At
and P.O.- Bhauaara, Ward No.- 26 (old), Nagar Prishad Madhubani, P.S.-
Madhubani, District – Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Pandaul P.S. Case No. 30 of 2023 for the offence registered
under sections 409 and 34 of the Indian Penal Code lodged on
09.02.2023 by the informant, Nandan Kumar.

As per the prosecution story, the C.O., Pandaul
lodged the FIR alleging that one Amit Kumar Singh was the
'*Nazir*' of the said circle who absented from duty from
10.03.2022 without information. Thereafter, inventory was
prepared and allegation is that despite taking charge of the
Nazarat, Ajay Kumar Thakur (the petitioner herein) did not took
the official charge by referring that the '*rokar panji*' is not
available. The same was searched and was found in a damaged
'*almirah*', the petitioner was directed to keep the record safely
but he informed that on 04.02.2023, Arbind Kumar took away



the document in a bag. The FIR alleges that he facilitated the removal of the file.

Learned Counsel for the petitioner submits that he never came to know that the file is in '*almirah*' as he had just taken charge and was not visiting the office.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submits that he facilitated the removal of the file.

Although the allegation against the petitioner is grave and he will be ultimately facing departmental proceeding for that, considering the fact that it is the earlier incumbent, Amit Kumar Singh who took away the file, there is dereliction of duty on the part of the petitioner herein, he do not have criminal antecedent, FIR lodged and ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S.



Case No. 30 of 2023 subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of
the petitioner, who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail
application stands allowed.

(Rajiv Roy, J)

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