

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40427 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- GOPALPUR District- Bhagalpur

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VIJAY KUMAR JAISWAL S/O SRI CHHATHU PRASAD JAISWAL R/O
Village- Parbatta, Ward No. 08, P.S- Parbatta, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2023 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 409
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
the petitioner has antecedent of one case and from perusal
of the allegation as alleged in the FIR it would manifest that
the allegation is of not handing over the folder relating to
appointment of Niyojit Teachers, it is further submitted that
the allegation is purely administrative for which a criminal
case has been instituted. It is next submitted that petitioner
retired on 31.10.2022 and prior to his retirement his



predecessors had not handed over the charge in respect of folder of Niyojit Teachers for which he had correspondent with the Block Development Officer on several occasions, thereafter, an FIR being Gopalpur (Rangra) P.S. Case No. 119 of 2017 came to be instituted against the accused persons. It is next submitted that the accused persons of Gopalpur (Rangra) P.S. Case No. 119 of 2017, Md. Khurshid Alam was granted privilege of anticipatory bail by order dated 16.01.2018 in Cr. Misc. No. 975 of 2018. It is next submitted that after the said FIR was instituted the present FIR came to be instituted by the Block Education Officer implicating the petitioner falsely. It is further submitted that the present FIR has been instituted after retirement of the petitioner.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalpur (Rangra) P.S. Case No. 16 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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