

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42497 of 2023

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

BHOLA THAKUR Son of Amir Thakur @ Amrit Thakur Resident of Village
- Banka, P.S.- Banka, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-08-2023 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 is a person with clean antecedent 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, when the
petitioner ought to have been dealt on the administrative



side itself, it is next submitted that petitioner retired on 31.1.2022 and prior to his retirement his predecessors had not handed over the charge in respect of folder of Niyojit Teachers for which he had corresponded 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 thus submitted that after the said FIR was instituted the present FIR came to be instituted by the Block Education Officer, implicating the petitioner in a mechanical manner. It is further submitted that no FIR was instituted when the petitioner was not in service.

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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