

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66016 of 2023

Arising Out of PS. Case No.-285 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Arun Kumar Jaiswal, Son of Late Bhola Prasad Jaiswal, R/o village-
Panchveer, P.S. - Sahibpur, Distt. - Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Advocate Mr. Kumar Avinahs, Advocate Ms. Alka Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Lakhisarai P.S. Case No. 285 of 2023, registered for the alleged offences under Sections 420, 406, 457, 468, 471 and 34 of the Indian Penal Code.

3. As per prosecution case, the Collector, Lakhisarai received secret information about official documents being kept at the house of co-accused Ram Balak Kumar. A raid was conducted and certain documents were seized. The allegation against the petitioner is that while he had been working as Revenue Clerk, he kept the documents at that place since he was using that place as his residence. Further allegation is that the



petitioner used to take the work from the co-accused Ram Balak Kumar in an unauthorized manner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner retired from service in the year 2019 and, thereafter, he had been given two extensions finding his conduct to be aboveboard. After the end of his tenure, the petitioner handed over charge and also handed over the documents to the incumbent Ramesh Chandra Prasad Singh. The petitioner has given the entire list of documents in 13 columns, two of Amhara and Murma Panchayat. The witnesses to the seizure list are interested witnesses since one of the witnesses is Kundan Kumar, who is the present Revenue Clerk and another is Ratan Kumar Malakar, who is Munsif of the Circle Officer. The learned counsel further submits that the petitioner has filed a criminal writ for proper investigation in the matter before this Court and a representation has also been given by the wife of the petitioner to DGP and other officials for taking necessary action in accordance with law. The learned counsel further submits that the present Revenue Clerk namely, Kundan Kumar has tried to rope the present petitioner with malafide intention in order to save himself. The learned counsel further submits that the



petitioner has unblemished record and he is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP concedes that witnesses in paragraphs 26, 28, 28 and 37 of the case diary have stated about the place from where recovery has been made being used by a number of revenue clerks even after vacating the place by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation against the petitioner and without any substantive material to connect him with the offence as alleged, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai P.S. Case No. 285 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

