

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71295 of 2023

Arising Out of PS. Case No.-555 Year-2023 Thana- ARA NAWADA District- Bhojpur

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ARVIND KUMAR TIWARY @ SHRI ARVIND KUMAR TIWARY SON OF
RAM SUCHINDRA TIWARI RESIDENT OF VILLAGE- BUDH
NAGARA, P.S.- BOCHAHAU, DISTRICT- MUZAFFARPUR, AT
PRESENT POSTED AS CLERK CHAKBANDI OFFICE BARAHARA,
DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-11-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Ara Nawada Police Station Case No. 555 of 2023,
disclosing offences under Sections 406, 409, 420 of the Indian
Penal Code.
3. As per the First Information Report, it has been
alleged that record of case No. 206/73-74 under Section 10(2)
(3) of the revenue village Mahuli, was missing since 2013 for
which, allegation is levelled against the petitioner that he has
displaced the file/record for his personal use.
4. Learned Counsel for the petitioner submits that the



petitioner has been made accused after ten years from the date of missing of file. He next submits that an explanation was called for by the Consolidation Officer from the petitioner and the petitioner has submitted his explanation at *Annexure 2* Series. On the explanation of the petitioner, a comment was sought by the Consolidation Officer Ara Sadar Bhojpur by the Deputy Director Consolidation Bhojpur, Ara, which was submitted by him on 12.12.2021 regarding the missing file in which the Consolidation Officer has opined that the petitioner may not be held responsible for the same. Referring to *Annexure 4*, learned counsel submits that the Additional Collector-cum-Deputy Director, Consolidation, Bhojpur, informed the Additional Chief Secretary-cum-Director Consolidation, Bihar, Patna, *vide* his letter dated 29.12.2021 with his conclusion that in the given set of facts and the material collected, the petitioner may not be held responsible for the missing file.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record and the recommendation of the A.D.M.-cum-Deputy Director of Consolidation at *Annexure 4*, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioner, Arvind Kumar Tiwary @ Shri Arvind Kumar Tiwary, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Nawada Police Station Case No. 555 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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