

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68803 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- NAUGACHIA District- Bhagalpur

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Ajay Kumar Singh S/O Late Ramakant Singh R/O Kailash Singh Gali,
Laluchak, Bhatta Road, P.S- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioner is named in the F.I.R. and
apprehended his arrest in connection with Naugachia P.S. Case
No.116 of 2022 registered for the offences punishable under
Section 409 of the Indian Penal Code.

The allegation against the petitioner is to misplace the
Service Record of one Jairam Yadav, Office Attendant from
C.O. Office Naugachia, while he was posted as clerk.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case
as it appears even from the face of the F.I.R. that no allegation
appears which may suggest that any criminal breach of trust was



caused by this petitioner being public servant. It is submitted that even the F.I.R. is saying that it is a case of negligence. While concluding the argument it is pointed out that even as per F.I.R. no time period appears explained as regard with alleged occurrence as same found with a vague narration that occurrence is during the posting period of this petitioner. It is submitted that petitioner is in service since 1997 and not even on single occasion faced such allegation as raised as of the present.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as narration raised through F.I.R. has failed to convince the allegation of criminal breach of trust, *prima facie*, as raised against this petitioner, the petitioner above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1st, Naugachia/concerned Court below where the case is pending in connection with Naugachia P.S. Case No.116 of 2022 subject to the conditions as laid down



under Section 438(2) of the Cr.P.C. with further following conditions:-

“(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(b) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(c) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner have concealed their criminal antecedent,



the court below shall take step for
cancellation of bail bond of the
petitioner. However, the acceptance of
bail bonds in terms of the above-
mentioned order shall not be delayed
for purpose of or in the name of
verification.”

(Chandra Shekhar Jha, J.)

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