

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12243 of 2024

Arising Out of PS. Case No.-246 Year-2016 Thana- BAHADURPUR District- Darbhanga

Sitaram Mandal Son of Late Yadu Mandal, Residence of Village- Chanaur,
P.S.- Manigachhi, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Kedar Jha, the learned counsel for the

petitioner and Mr. Ajay Mishra, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Bahadurpur PS Case No. 246 of 2016, FIR

dated 16.06.2016, registered for the offences punishable under

Sections 188, 420 and 409 of the Indian Penal Code.

3. According to prosecution case, the informant was

directed by competent authority to lodge FIR against

Panchayat Secretaries due to non submission of entire folders

for inspection to Vigilance Bureau.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been



implicated in the present case. The allegation as alleged in the FIR is that the petitioner has not submitted the entire folders for inspection of Vigilance Bureau, despite the direction of the competent authority. He further submits that the petitioner was posted in Block Alinagar in the year 2006 and he was transferred from Alinagar Block to Bahadurpur Block in the year 2011 and he has joined the Taralahi Panchayat as a Panchayat Sachiv in the year 2011, and all the folders pertaining to the employment of teachers in Panchayat Taralahi were already submitted to the competent authority before the joining of the new assignment. He further submits that the co-accused person namely, Dilip Kumar Jha has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.01.2019 passed in Cr. Misc. No. 73591 of 2018.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and a similarly situated co-accused person has been granted anticipatory bail by a co-ordinate Bench of this Court, let the petitioner, above-named, in the event of his arrest or surrender



before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, where the case is pending in connection with **Bahadurpur PS Case No. 246 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(iii). 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 has concealed his 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.

(Rajesh Kumar Verma, J)

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