

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34356 of 2024

Arising Out of PS. Case No.-111 Year-2016 Thana- HAJIPUR SADAR District- Vaishali

Subhash Prasad Singh @ Subhash Singh Son of Late Garjan Singh Resident
of Village- Khilwat, P.S.- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 23-05-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in connection with Hajipur P.S. Case No.111 of 2016 registered for the offences punishable under Sections 409 and 353 of the Indian Penal Code.
3. As per prosecution case, in the light of order of Hon'ble High Court passed in CWJC No. 15459 of 2014, the investigation for employment certificate of teacher was going on by the Vigilance Department and in this course District Programme Officer (Establishment) sent several letters and instructions given in the meeting regarding the entire records related to employment of teacher and petitioner is one of the Panchayat Secretary who has not followed the direction given by the concerned authority.
4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel for the petitioner further submits that petitioner is Panchayat Secretary of Gram Panchayat, Raj Dighi Kala (West) and he has taken charge from one Raj Narain Singh on 18.07.2014. During handing over the charge, petitioner is said to have received material information which was mentioned in Pg Nos. 18 and 19 of Annexure-2 in which certain records i.e. attendance register, register of merit list and roster register of panchayat has not been received at the time of taking charge from one Raj Narain. He further submits that when the said material information was not received at the time of taking charge then how the petitioner is expected to make the said material information available in the light of the direction given by the concerned authority. Learned counsel for the petitioner submits that petitioner bears criminal antecedent of five cases in which two cases are filed by the Department against the petitioner and petitioner is on bail in four cases and in one case i.e. Bidupur P.S. Case No. 244 of 2021, police has submitted final form against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is direct allegation against the petitioner who is said to have not provided material information in the light of the direction given by the concerned authority.

6. Considering the facts and circumstances of the case,



nature of allegation levelled against the petitioner, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

7. However, petitioner is directed to surrender before the concerned court within a period of four weeks from the date of receipt of the order of this Court. If petitioner has submitted the material information which is available at the time of taking over the charge and if other material information which is required is not in the possession of the petitioner, in that situation, court may pass appropriate order on the same day of hearing in the light of submission made by counsel of petitioner on basis of material available on record.

(Alok Kumar Pandey, J)

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