

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49241 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- EKCHARI District- Bhagalpur

1. Sri Bhuneshwar Mandal @ Bhuneshwar Prasad Singh Son Of Late Parmeshwar Prasad Resident Of Village- Dayalpur, Ps- Kahalgaon, Distt- Bhagalpur
2. Sri Dharmendra Kumar Son Of Lat Anandi Singh Resident Of Village- Dayalpur, Ps- Kahalgaon, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Adv. Mr. Hemant Ray, Adv.
For the Opposite Party/s	:	Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 24-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Ekchari P.S. Case No. 09 of 2023 dated 05.02.2023 registered for the offences punishable u/ss 409, 420 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners are alleged to have failed to produce the merit list of selected



employed teachers despite the direction of the the Vigilance Department.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner no. 2 posted in Mohanpur Gram Panchayat submitted merit list and the original application before BEO, Pirpaiti on 26.06.2015 and the petitioner no. 1 submitted the folder along with merit list regarding the employment of 2003, 2005, 2006, 2008 and 2012 and the same has been received by BRC, Pirpaiti on 12.04.2016. The petitioners have not defalcated government money so no case is made out under section 409 of IPC. The petitioner no. 1 is also accused in one more criminal case and the petitioner no. 2 has two more criminal cases as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount



each to the satisfaction of learned court concerned, Bhagalpur in connection with Ekchari P.S. Case No. 09 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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