

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71708 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- RAGHOPUR District- Supaul

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DHARMENDRA PRASAD @ DHARMENDRA PRASAD SINGH S/O
LATE SARYOUG PRASAD SINGH R/O VILLAGE - RADHA NAGAR
WARD NO. - 05, RADHA NAGAR, P.S - RAGHOPUR, DISTT. - SUPAUL,
BIHAR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHREEMATI SULEKHA KUMARI, CHILD DEVELOPMENT PROJECT
OFFICER, BLOCK - RAGHOPUR, DISTT. - SUPAUL

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Singh, Advocate Mr. Dharmendra Kumar Singh, Advocate Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-05-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 409/34 of
the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant. It is further submitted that petitioner at the relevant
time when the alleged occurrence is said to have taken place
was the Mukhiya of the Panchayat. It is next submitted that the
dispute relates to selection of Anganwari Sevika. It is also
submitted that one Manju Devi was selected as Anganwari



Sevika and her appointment was challenged by Usha Devi on the ground that favouritism was shown in favour of Manju Devi on account of which there was a dispute and the dispute travelled up till this Court. It is further submitted that initially the dispute was raised before the Collector of the district wherein the Collector passed an order in favour of Usha Devi holding the selection of Anganwari Sevika to be bad for the reason that selection was held at a place which was not designated for holding the Aam Sabha for selection of Anganwari Sevika. The said order of the Collector was challenged before the Commissioner of the Division by Manju Devi and the Divisional Commissioner set aside the order of the Collector as such the appointment of Manju Devi as Anganwari Sevika remained intact. The said order of the Divisional Commissioner was challenged before this Court in C.W.J.C. No. 1990 of 2015 by Usha Devi and this Court was pleased to set aside the order of the Divisional Commissioner by its order dated 23.07.2018 as such the order of the Collector revived thereafter Manju Devi challenged the order of the Writ Court in L.P.A. No. 1081 of 2018 which was taken up on 14.03.2023 and the CDPO was directed to make efforts for tracing the complete record of the case and also to produce the original file



movement register of her office for the relevant period. Further, it was also directed that the CDPO would file her personal affidavit to the effect in case the records are not produced on the next date i.e. 28.03.2023 then what steps have been taken for searching the records and against the person responsible for misplacing the same. It is next submitted that finally L.P.A. No. 1081 of 2018 was dismissed by a judgment dated 06.10.2023 as such the order of the Writ Court was affirmed.

4. Leaned counsel thus submits that from narration of the events as recorded hereinabove, it would manifest that this Court at no stage had directed the CDPO for instituting an FIR against the petitioner but the CDPO in order to cover-up her own inefficiency instituted the instant FIR alleging that the same is being instituted based on the order of the High Court and alleged that the petitioner along with Panchayat Secretary was responsible for misplacing the file relating to appointment of Anganwari Sevika. It is also submitted that the records are available in the office as such the Collector while considering the case of Usha Devi had taken into account the various reports of the authorities and thereafter had allowed the case in her favour. It is thus submitted that had the documents been missing in that event the Collector would have directed the CDPO for



instituting an FIR but then as recorded hereinabove the CDPO in haste instituted the instant FIR only with a view to make out a case before the High Court that the documents are misplaced.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Raghapur P.S. Case No. 154 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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