

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1150 of 2024

Arising Out of PS. Case No.-10 Year-2010 Thana- MOTIPUR District- Muzaffarpur

Naresh Sharma @ Ram Naresh Sharma S/O Late Mahadeo Sharma R/O At
And P.O. Bahilwara Rupnath, Via Anirudh Belsar, P.S. Saraiya, District-
Muzzafarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr.Rajeev Kumar Singh, learned counsel for

the petitioner and Mr.Shantanu Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Motipur P.S. Case No.10/2020, FIR dated
13.01.2010 registered for the offences punishable under
Sections 406,420 and 353 of the Indian Penal Code.

3. The prosecution case in short, is that the petitioner
is a Panchayat Secretary who has earlier posted in Motipur
Prakhand and he was deputed to deal with file of BPL, Family
Survey List Report-Ka and after allotment of work to petitioner,
he absconded with the aforementioned files without



surrendering official documents. Later it is also mentioned that the petitioner had also repeated similar misconduct.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. At the time of occurrence, the petitioner was posted as Panchayat Secretary in Motipur Block and as per allegation in the FIR that the petitioner has fled away with all the documents after giving the charge to the next incumbent. Learned counsel for the petitioner submits that from a bare perusal of Annexure-2 of the bail petition it appears that the petitioner has given the charge on 31.08.2009 and the present FIR has been instituted on 13.01.2010 and it appears from Annexure-2 that the petitioner has given all the relevant documents at the time of handing over the charge to the next incumbent and the next incumbent has received all the papers in presence of the Mukhiya on 31.08.2009 itself.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner has been granted privilege of anticipatory bail in the year 2017 itself, as mentioned in para-3 of the anticipatory bail petition.



6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur in connection with Motipur P.S. Case No.10/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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