

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4531 of 2024

Arising Out of PS. Case No.-27 Year-2019 Thana- KHIJARSARAI District- Gaya

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Bhagwan Paswan Son Of Chamari Paswan Resident Of Village - Punawan, Ps
- Wazirganj, District - Gaya And Present Address At Block Office, Bodh
Gaya, Ps - Bodh Gaya District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE VIGILANCE INVESTIGATION BUREAU, PATNA THROUGH ITS
POLICE INSPECTORM BIHAR PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Adv.
For the O.P.No. 2	:	Mr. Anil Singh, Law Officer, Vigilance
For the State	:	Mr.Ajay Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
make correction in para 7 of the bail petition in course of the
day.

3. The petitioner is apprehending his arrest in a case in
connection with Khizersarai P.S. Case No. 27 of 2019 dated
19.01.2019 registered for the offences punishable u/ss 409 and
420 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner happens
to be the *Panchayat* Secretary and despite general direction to



submit the file folders relating to appointment of Niyojit Teachers, the petitioner did not deposit the same.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is made accused in this case merely on suspicion. Learned counsel has further submitted that the petitioner was transferred as Panchayat Secretary in Bodh-Gaya Block, District-Gaya where he joined and was working since June, 2016 and prior to his joining at Bodh-Gaya Block, he had already given all the charges to his successor in Khizersarai Block. Learned counsel has further submitted that the petitioner was not posted and working in Khizersarai Block in the year 2018 when the folder-file of required documents were demanded with regard to the appointment of Panchayat Teachers of Khizersarai Block. The petitioner has neither concealed any valuable documents nor he has cheated or misappropriated any government amount. The petitioner has not committed any breach of trust being the public servant. The co-accused person has already been granted anticipatory bail by the Coordinate Bench of this court vide order dated 20.07.2022 passed in Cr. Misc. No. 71873 of 2021. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.



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

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Khizersarai P.S. Case No. 27 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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