

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79509 of 2024

Arising Out of PS. Case No.-260 Year-2024 Thana- VAISHALI District- Vaishali

- 1 . Rakesh Kumar S/o Naresh Ram @ Ram Naresh Ram Resident of Village- Jarang, Rampur, PS- Vaishali, Belsar, District- Vaishali
2. Upendra Das S/o Late Mahesh Das Resident of Village- Jarang, Rampur, PS- Vaishali, Belsar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Renu Kumari , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 22-01-2025 1 . At the outset, learned counsel for the petitioners submits that the pre-arrest bail petition of petitioner No. 2 has already been withdrawn vide order dated 02.12.2024.
2. Heard learned counsel for the petitioner No. 1 and the State .



3 . Petitioner apprehends their arrest in a case registered for the offence punishable under sections 341 , 323 , 342, 379, 504, 506 and 34 of the Indian Penal Code .

4. The prosecution case in brief, is that in the year 2016, two candidates Upendra Das and one Arbind Kumar had contested for the post of Ward members of Ward No. 9 in Gram Panchayat Raj, Jarang Rampur. In the aforesaid election petitioner No.2 Upendra Das won the election and Arbind Kumar lost the election and accordingly Upendra Das was elected as Ward member. Thereafter, in the year 2016, the Ward Secretary was selected and according to Arbind Kumar, he was selected as Ward Secretary of Ward No. 9. It is further alleged that Ward member Upendra Das and Ward Secretary Rakesh Kumar (petitioner No. 1) in collusion with each other under a conspiracy selected Rakesh Kumar as Ward Secretary Ward No. 9 in place of Arbind Kumar by making forgery in the Aam Sabha register of the Ward. It is further alleged that in this regard, an application of Arbind Kumar was given to the concerned authority and the matter was enquired by BDO Pathedhi Belsar and found the allegation correct. The BDO Pathedhi Belsar vide letter No. 653 dated 12.06.2024 directed the informant to lodge said F.I.R. and in pursuant to the said



order, informant filed this present case against this petitioner and others.

5 . It is submitted on behalf of the petitioner that the petitioner is innocent and has falsely been implicated in this case . As per F.I.R. the occurrence took place in 2016 but the present case has been lodged on 16.07.2024 that is after the lapse of 8 years for which there is no plausible explanation . It is further submitted that from bare perusal of F.I.R. it is evident that neither any application of Arbind Kumar was annexed nor the ex-parte enquiry made by BDO, Pathedhi Belsar was annexed which shows the malafide intention of the informant and BDO Pathedi Belsar.

6. It is next submitted by learned counsel for the petitioner that as per Aam Sabha Arbind Kumar was elected for the post of Ward Secretary by Aam Sabha but in the year 2017 he was dismissed by Aam Sabha . Thereafter, Rakesh Kumar petitioner No. 1 was selected as Ward Secretary by Aam Sabha in the year 2017. It is further submitted that order issued by BDO Pathedhi Belasar vide letter No. 668 dated 28.07.2017 a general meeting was held on 05.08.2017 and in that meeting Rakesh Kumar was elected as Ward Secretary which is entered in Proceeding No. 6 in Panchayat register. The wife of co-



accused Upendra Das namely Manohar Devi was appointed on the post of Anurakshak in Ward No. 9 and regarding her salary she made complaint before Public Grievance Redressal Forum District Vaishali. In the said complaint she alleged that informant in collusion with BDO Pathedhi Belsar has defalcated her salary and on the basis of the said complaint an action was taken by the Public Grievance Redressal Forum against the informant and BDO Pathedhi Belsar and in retaliation this false and concocted case has been lodged against these petitioner. However, to substantiate the allegation , there is no materials available on the record and as such, no case under Sections 467, 468, 471 , 420 and 120B of IPC is made out against this petitioner.

7. Learned counsel for the State oppose the bail petition .

8 . Considering the aforesaid facts and circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner No. 1 as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class Vaishali at Hajipur in connection with Vaishali (Belsar OP) P.S. Case



No. 260 of 2024 , subject to the conditions laid down under
section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

