

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87528 of 2024

Arising Out of PS. Case No.-230 Year-2020 Thana- GAYA KOTWALI District- Gaya

Santosh Kumar Tiwari S/O Raghunandan Tiwari Resident Of Village- Sarkar,
P.S- Dev, Distt.- Auranabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 230 of 2020, registered for the offences punishable under Section 409 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the petitioner being custodian of the service book of the ANM has misplaced the service book of one of the ANM, namely, Smt. Manju Kumari. Notwithstanding the direction of the senior authorities, the service book has not been produced by the petitioner and misleading statement has been given leading to lodging of the FIR.

4. Learned Advocate for the petitioner taking this



Court through the materials available on record has contended that the custodian of the service book of said Smt. Manju Kumari was the then clerk Sri Om Prakash and after his transfer in Primary Health Centre, Dobhi he had handed over the service book of Smt. Manju Kumari to the petitioner; of Sri Umesh Kumar after posting in the office of Additional Chief Medical Officer, Gaya on the post of Head Clerk, he became incharge of the establishment and later on, the service book was handed over to Sri Umesh Kumar. In fact, it is Sri Umesh Kumar, who has not handed over the charge of all the necessary documents, including the service book of Smt. Manju Kumari. Later on, after extensive search, the service book of Smt. Manju Kumari was recovered and handed over to the concerned authorities, thereafter, necessary pension and other retiral benefits have also been extended to her. It is further contended that the petitioner is a government servant and he undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the FIR came to be instituted long back in the year 2020, but the petitioner approached this Court after delay of four years, despite the fact that the petitioner is a government servant.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the service book has already been handed over to the authorities concerned and necessary pensionary benefits have been extended to said Smt. Manju Kumari, coupled with the fact that the petitioner is a government servant, having fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 230 of 2020, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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