

Pradeep Rai Vs. the State of Bihar

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Court : Patna

Decided On : May-11-2012

Appellant : Pradeep Rai

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.30720 of 2011 Pradeep Rai, Son of Late Banke Bihari Rai, R/o Village Baraipatti, P.S. Yadopur, District Gopalganj. .Petitioner Versus The State Of Bihar ..Opposite Party ----- With Criminal Miscellaneous No.35642 of 2011 Kunti Devi, Wife of Sri Shivnath Prasad, R/o Village Kuchaikot, P.S. & P.O. Kuchaikot, District Gopalganj. .Petitioner Versus The State Of Bihar ..Opposite Party ----- 04/- 11/01/2012 Since both the applications arising out of one case are taken up together and being disposed of by this composite order. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State, who is armed with carbon/xerox copy of the case diary up to paragraph 39 dated 23/10/2011. The petitioners are apprehending their arrest in connection with a case registered for the offence punishable under Sections 408, 420, 120(B)/34 of the Indian Penal Code, are named accused in this case being Mukhiya and Panchayat Secretary and as such member of appointment committee for selection of panchayat teachers with allegation of committing irregularity/illegality in appointment of one Mahesh Prasad without any existing vacancies since on the vacancy against which they have been appointed one Sushma Kumari, who has not only been appointed but continued. 2 Submission is that in fact the said

Mahesh Prasad was appointed against the vacancies created due to resignation of one Chandra Prakash Prasad and also in pursuance of Annexure 4 direction issued by the District Superintendent of Education through Memo No. 470 dated 03/10/2007 on 30th October, 2007 i.e. well within stipulated period fixed 31/10/2007. Further, submission is that said appointed teacher, Mahesh Prasad is still working and at no point of time any step has been taken for cancellation of his appointment and also an internal enquiry is going on apart from the investigation in the instant case. Considering the facts and circumstances of the case, in the event of their arrest/surrender before the court below within four weeks, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj, in connection with Kuchaikot P.S. Case No. 147 of 2011, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure with additional condition to remain physically present before the court below till disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, the liberty granted shall be deemed to be cancelled. Praveen/- (Akhilesh Chandra, J.)

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