

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24384 of 2015

Arising out of PS.Case No. -49 Year- 2014 Thana -RAGHOPUR District- SUPAUL

Shiv Kumar Mandal, son of Shri Uttim Lal Mandal, resident of village- Divanganj, P.O.-Phulkahi, P.S.-Raghopur, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Pandey, Advocate.

For the Opposite Party : Mr. Ram Sumiran Rai(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Raghopur P.S. Case No. 49 of 2014 for the offences instituted under Sections 406, 409, 420, 467, 468, 471 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that the informant filed application for his appointment as teacher under the reserve category of disability alongwith required educational certificates. The appointment Committee violated the rules and regulation and illegally appointed one Shiv Kumar Mandal and the said Shiv Kumar Mandal is withdrawing salary since February, 2007. The said Shiv Kumar Mandal had appeared in Matriculation



examination in the year 1987 and his date of birth was mentioned as 25.12.1971. In the said examination he was placed under third division and so for getting higher marks he procured marks sheet of Bihar Sanskrit Siksha Board mentioning therein his date of birth as 25.12.1985. The informant obtained information from the Circle Officer, Pratapganj under the Right to Information Act and it has been reported that Shv Shankar Mandal and Shiv Kumar Mandal is one and the same person who procured certificate under two different names. The accused persons have, thus, committed offence of cheating and creating forged and fabricated document and succeeded in getting appointment debarring other competent candidates.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has falsely been implicated in the present case by the informant who was also one of the aspirants for the post of Panchayat teacher. The informant had challenged the appointment of this petitioner before the Appellate Authority but the same was affirmed by the Appellate Authority holding that the appointment of the petitioner is genuine.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Raghapur P.S. Case No. 49 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Birpur, Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)