

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40574 of 2014

Arising Out of PS.Case No. -123 Year- 2012 Thana -SAHAR District-
BHOJPUR

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Prakash Kumar Sinha Son of Late Krishna Kumar Prasad resident of
Krishna Bhawan, Imli Kothi, P.S.- Hazaribagh, District- Hazaribagh

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Ashok Kr.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-04-2015 Heard Mr. Kanhaiya Prasad, learned senior counsel

for the petitioner and learned Addl. P.P. for the petitioner.

The petitioner apprehends his arrest in Sahar P.S.

Case No. 123 of 2012 under Section 467 and other Sections of the

Indian Penal Code.

The gist of the allegation is that the petitioner, being

Executive Officer of Block Teacher Appointment Committee,

appointed 72 teachers against the roster without verifying the

educational certificates of the candidates. It is submitted that the

petitioner joined as Block Development Officer on 3.04.2010 and

in the month of December 2010, the appointment was made in

pursuance of the directions of the Director, Primary Education. It

is further submitted that the Pramukh Panchayat Samiti, namely

Adib Rizvi was granted anticipatory bail and Ramesh Paswan, the Block Education Extension Officer who was also a member of the Committee, was granted Regular Bail vide order dated 11.06.2014 passed in Cr. Misc. No. 21231 of 2014. The case of the petitioner stands on better footing.

On perusal of the record, it appears that of course the petitioner joined as Block Development Officer in Sahar Block on 3.04.2010, but from perusal of Annexure-5, it appears that vide order dated 18.12.2010, the Appointment Committee at the Block level was constituted and the meeting was held on 21.12.2010. Petitioner was a member of the Committee as Executive Officer of Committee. On 21.12.2010, the meeting of the Committee was held and it was resolved vide Resolution No. 3 that the appointment shall be made only after scrutinizing the educational and other qualification and thereafter the consent and affidavit of the successful candidates shall be taken. Appointment shall be made in accordance with the roster, but it appears that vide Resolution dated 28.12.2010, the appointment was made and later on it was found that roster was not maintained and 72 persons were illegally appointed.

Considering the facts, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If so advised, the petitioner is directed to surrender before the court below and the court below shall consider the regular bail of the petitioner taking into consideration that the Pramukh who was the Chairman of the Committee was granted anticipatory bail by the learned Sessions Judge and Block Education Extension Officer was granted regular bail and disposed of the bail petition preferably on the same date.

(Prabhat Kumar Jha, J.)

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