

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28571 of 2015

Arising Out of PS.Case No. -247 Year- 2015 Thana -ARARIA District- ARRARIA

=====

1. Bimal Kishor Mallik Son of Late Braj Nandan Mallik Resident of Village + P.S. - Pratapganj, District - Supaul, At present posted as Clerk in the office of District Education Officer, Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Verma

For the Opposite Party/s : Mr. M.Dayal (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-10-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 420, 467, 468, 471 and 120B/34 of the I.P.C

Allegedly, the petitioner being Assistant in the office of the District Education, Araria committed so many irregularities including that in the teachers eligibility test altogether 301 teachers were declared failed but he did not mention the names of 27 candidates in order to make them eligible for annual increment and further by making tampering out of 20, 11 teachers who were not eligible were given the benefit of annual increment.



Submission is of false implication. The petitioner has been made escape goat. List of failed teachers was not prepared by the petitioner rather it was prepared by one Ashok Yadav, a teacher deputed in the said office and the said list was endorsed by the informant himself. The petitioner was not custodian of tabulation register so allegation of tampering is also misconceived. The petitioner detected the irregularities and reported the matter to the informant to take suitable action against those who have committed those irregularities but no action was taken. The petitioner has given written application during enquiry but during pendency of the enquiry the informant got the petitioner arrested by lodging this case resulting his career has been ruined. He is suffering from diabetes and blood pressure and is in custody since 25.05.2015 and as such he deserves sympathetic consideration, to which the learned A.P.P. submits that now considering the detention of the petitioner lenient view can be taken.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Araria in Araria P.S.

Case No. 247 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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