

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39486 of 2015

Arising out of PS.Case No. -37 Year- 2014 Thana -C.B.I CASE District- MUZAFFARPUR

Hari Kishore Mahto

.... Petitioner

Versus

1. The State of Bihar.

2. The Deputy Superintendent, Vigilance Department, Patna.

.... Opposite Parties.

Appearance :

For the Petitioner : Mr. Ranjan Kumar Srivastava, Advocate.

For the State : Mr. Sharda Kumari (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 28-09-2015 Heard learned counsels for the petitioner, Vigilance and
learned counsel for the State

The petitioner is apprehending his arrest in connection with Special Case No. 42/2014, arising out of Vig(Patna) P.S. Case No. 37/2014 for the offences instituted under Sections 420, 467, 468, 471, 201, 120(B)/34 of the IPC and 8/13(2) and 13(1)(d) of the P.C. Act.

The prosecution story, in brief, is that in the light of orders passed by the Hon'ble Court, Patna, in C.W.J.C. Nos. 17106/2012 and 20592/2013 an enquiry was held in connection with forged order, allegedly passed by the District Teachers Employment, Appellate Tribunal, Gopalganj, in Appeal Case No. 78/2012 (Rishikesh Tiwary Vs. Employment Unit Grampanchayat



Raj, Chhaliyaba under Bhore Block of District-Gopalganj (in Appeal Case No. 67/2012) involvement of the then employees of District Teachers Employment Appellate Tribunal, Gopalganj, including the petitioner, namely, Hari Kishore Mahto and others officials of Tribunal transpired and for which order was passed for lodging F.I.R. against them besides Appeal Case No. 78/2012 in Appeal Case No. 12/2011 also forged order dated 27.12.2012 was passed and alleged to be issued for which Gopalganj P.S. Case No. 62/2013 dated 12.12.2013 under Sections 420, 467, 468, 471 I.P.C. and 8/13(2) r/w Section 13(1)(D) of P.C. Act, 1988 was registered and it was under investigation. It is further alleged in Appeal Case No. 12/2011 forged order dated 27.12.2012 allegedly issued bearing alleged signature of the members of Tribunal, namely, Pradip Nath Tiwary and in this connection C.W.J.C. Nos. 2434/2013 and 2724/2013 are pending before the Hon'ble High Court, Patna. It is further alleged that in compliance of orders passed in C.W.J.C. Nos. 2434/2013 and 2724/2013 enquiry was concluded by the District Magistrate, Gopalganj and during enquiry relevant records and Registers of the District Teachers Employment Appellate Tribunal were examined and found allegedly committed by Sri Pradip Nath Tiwary came to light during the investigation of Gopalganj P.S. Case No. 52/2013 and



also the matter of forgery has been highlighted as noted in the case diary. Issue Register shows that the accused Pradeep Nath Tiwary himself has made some contradictory and irregular entry. The office copy of forged order has been removed from office with intention to disappear the evidence for which the petitioner and other accused persons who were working are responsible in this case. Thus, during the period of working the participation and involvement of accused petitioner and others transpired in enquiry. Hence, this is the case.

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 been made accused due to mistake of fact. The petitioner is a government employee. It is further submitted that the petitioner is ready to deposit an amount of Rs. 15,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the learned counsels for the State and the Vigilance it has been submitted that the petitioner is named in the F.I.R. and was functioning as *Adeshpal*.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 15,000/- in the court below which shall be subject to final disposal of the case and on doing so, 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 Special Case No. 42/2014, arising out of Vig (Patna) P.S. Case No. 37/2014, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance (North Bihar), Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)