IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20853 of 2015

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

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1. Shakti Nath Jha son of Late Suresh Jha, resident of village- Finglas Chakala, P.S.- Raghopur, District- Supaul.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.21268 of 2015

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

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1. Md. Mustafa Kamaluddin Son of late Taslim Miya resident of Village+ P.O. Ward No. 27, supaul, Bazar, District Supaul

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :
(In Cr.Misc. No.20853 of 2015)
For the Petitioner : Mr. Rakesh Kumar Jha
For the Opposite Party : Mr. Ram Chandra Singh (App)
(In Cr.Misc. No.21268 of 2015)
For the Petitioner : Mr. Avanindra Kumar Jha
For the Opposite Party : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 07-07-2015 Both the applications arise out of Raghopur P.S. case no. 49 of 2014, and as such they have been heard together with the consent of the parties and are being disposed of by the common order.

Heard the counsels represented the petitioners of both the cases and learned APP for the State.

The petitioner of Cr. Misc. no. 20853 of 2015 being the Teacher of a high school was subsequently became member

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of the appointment committee at the time of counselling for selection of Panchayat Primary Teacher in the year 2006. The petitioner of the Cr. Misc. no. 21268 of 2015 was functioning as Panchayat Secretary.

The allegation is that one Shiv Kumar Mandal produced certificate issued from the Sanskrit Shiksha Board (for short 'the Board') and obtained employment in the year 2006 on that basis. Such complaint was made in the year 2014 whereafter the FIR has been registered.

The contention of the petitioner of Cr. Misc. no. 20853 of 2015 is that at the time of selection/preparation of panel he was not in the said school. Subsequently he joined the said school and by virtue of this position he was made member of the committee at the time of counselling. Contention of the petitioner of Cr. Misc. no. 21268 of 2015 is that being the Panchayat Secretary he was member of the committee. Both the counsels have submitted that it was Shiv Kumar Mandal who produced the certificate from the Board which was accepted at its face value. Fraud, if any was on the part of Shiv Kumar Mandal in procuring two certificates one from the Bihar School Examination Board and another from the Board. They do not have any criminal antecedent.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the

petitioners of both the cases. Let the petitioners of both cases, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Birpur, Supaul, in connection with Raghopur P.S. case no. 49 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

(i) One of the bailors in each case shall be the own/close family member of the petitioner.

(ii) As soon as the charges are framed the all the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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