

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44551 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -MARAUNA District- SUPAUL

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Ajay Prakash son of Chandra Bhushan Prasad Yadav, Resident of Village -
Rampur, P.S.- Murliganj, District - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Marouna P.S.Case No.69 of 2015 registered under Sections 467,
468, 471 and 420/34 of the Indian Penal Code.

According to the prosecution case the petitioner applied
against the vacancies published for appointment of Block teachers
in Marouna Block along with Bihar Elementary Teacher
Eligibility Test (for short 'BETET') certificate issued by the Bihar
School Examination Board, Patna which was found to be forged
on verification.

It is contended on behalf of the petitioner that the
petitioner was a bona fide candidate of BETET, 2011. He



appeared in the said examination but failed to qualify as he could not get required percentage in the examination. However, rumor was that some anomalies have crept in publication of BETET result. He handed over his application with required fee to one middle man as he had taken applications on behalf of other candidates also for submitting in the office for required correction in the result. Subsequently, the petitioner received BETET certificate showing him qualified with 72.66% marks. The petitioner had no knowledge of genuineness of his BETET certificate and, as such, applied against the vacancies published for appointment of Block teachers which subsequently, as alleged, was found to be forged on verification. It is further contended that similarly circumstanced Kumari Arti has already been granted anticipatory bail by a Bench of this Court vide order dated 8.10.2015 passed in Cr. Misc. No.29974 of 2015. A web copy of the aforesaid order has been produced.

Learned counsel for the State has opposed the application filed under section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.'). He has submitted that Kumari Arti being a lady was granted privilege of bail under section 438 Cr.P.C. However, case of the petitioner is similar.

With due respect to the order dated 8.10.2015 passed in

Cr. Misc. No.29974 of 2015 by a co-ordinate Bench of this Court keeping in mind the gravity of the offence, I find myself unable to accede to the prayer made by the petitioner for grant of anticipatory bail. Accordingly, the application is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merits without being prejudiced in any manner by the order passed by this Court.

(Ashwani Kumar Singh, J)

Md.S./-

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