

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18873 of 2015

Arising Out of PS.Case No. -208 Year- 2013 Thana -BASANTPUR District- SIWAN

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Hridya Nand Singh Son of Late Ramji Singh resident of village Shivrampur
Barhiya Tola, P.S. Goriakothi, District Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Opposite Party/s : Mr. Shardanand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner faces prosecution for offence under sections 467, 468, 471 and 420 of the Indian Penal Code and that the petitioner has a defence that his certificate produced at the time of his appointment on the post of Prakhanda Teacher on 12.8.2010 was not only verified but was found to be genuine, whereas in the F.I.R. it is said that the verification letter of the competent authority of the Examination Controller of Allahabad was itself found to be forged, this Court in order to test bonafide of the petitioner would direct him to surrender before the court below within a period of four weeks from today alongwith his all the original certificate on the basis of which he had got his appointment on the post of Prakhanda teacher. On production of these certificates the petitioner shall be granted provisional bail for a period of three months and those original



certificates produced by the petitioner shall be handed over to informant Block Education Officer for its being sent to the office of District Education Officer, Siwan and after they are found to be the same, copies whereof were produced before the Block Education Officer at the time of his appointment, they shall be sent for further verification of the institution/ Board granting/ issuing such certificate under the order of District Education Officer, Siwan. If in course of verification any of the certificate particularly one issued by Allahabad is found to be forged in the report to be submitted by District Education Officer, Siwan to the court below not only the petitioner shall be immediately taken into custody but his employment on the post of Prakhanda Teacher which has been allowed to continue provisionally under the order dated 28.2.2015 in Appeal No. 388/2013 passed by the District Teachers Employment Appellate Authority, Siwan shall also be immediately cancelled. It goes without saying that if the certificates of the petitioner are found to be genuine the provisional bail of the petitioner shall be confirmed.

That being so, the petitioner, Hridya Nand Singh, must surrender before the court below and he shall be granted provisional bail only for a period of three months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Basantpur P.S. Case No. 208/2013, subject to the conditions as laid down u/s 438(2) Cr.P.C., in which period the court below shall get all the certificates of the petitioner verified from the sources they were issued through the District Education Officer, Siwan and thereafter take further decision in accordance with law and subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

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(Mihir Kumar Jha, J)