

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30996 of 2016

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

Pradeep Nath Tiwari S/o Virendra Nath Tiwari R/o Mall Rustampur H.No. 510, P.S. Cant Distt Gorkhpur (U.P.)

.... Petitioner

Versus

The State of Bihar Through Vigilance D.g.p. At Patna

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bikram Deo Singh, Advocate.
Mr. Dhannjay Kumar No 2, Advocate.

For the Opposite Party : Mr. Ramakant Sharma(L.O.,I/C Vig.)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 17-10-2016 Heard both sides.

The petitioner apprehends his arrest in Spl Case No. 42 of 2014, arising out of Vigilance Case No. 37 of 2014 registered for the offences punishable under Sections 420, 467, 471, 120B and 34 of the Indian Penal Code and under Sections 8/12/(2) read with 13(1) d Prevention of Corruption Act, 1988.

The present FIR was lodged in pursuance of the order dated 01.04.2014 passed in Civil Writ Jurisdiction Case No. 17106 of 2013 by which the vigilance department was directed to enquire about issuance of forged order by the District Teachers Appellate Tribunal, Gopalganj in Appellate Case No. 78 of 2012 and others.

Learned counsel for the petitioner submits that the petitioner was Member District Teachers Appellate Tribunal and

he issued only Memo of 102 in the register. The Memo No. 103 to 111 were not issued by the petitioner. Some staff of the tribunal might have interpolated in the register and they have forged the signature of the petitioner.

Learned counsel appearing on behalf of vigilance department however vehemently opposed the prayer for anticipatory bail of the petitioner.

It appears that the entry after 102 in the register is not available. The disputed orders were issued by the Teachers Tribunal vide Memo No. 103 to 111 and even Memo No. 112 is not contained in the original register. The signature of the petitioner was verified in Appellate Case No. 78 of 2012 and it was found that the signature of the petitioner was not found on the order of Appellate Case No. 78 of 2012. The record of Appellate Case No. 12 of 2011 was not available and, therefore, the signature of the petitioner could not be verified. Even from perusal of the original register, issuance of the order of the appellate tribunal, it appears that there is no entry after 102.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Vigilance [North Bihar], Muzaffarpur in Spl Case No. 42 of 2014, arising out of Vigilance Case No. 37 of 2014, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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