

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17479 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

1. Arvind Kumar Son of Dashrath Prasad Yadav, Resident of village and Post Office- Bhawanipur, P.S.- Madhepura, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. The Directorate of Vigilance, State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Kumar.

For the Opposite Party/s : Mr. Anish Chandr,(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 04-05-2016

Heard learned counsel for the petitioner and the learned

counsel appearing for the Directorate of Vigilance, State of Bihar.

Petitioner apprehends his arrest in connection with Kishanganj P.S.Case No. 34 of 2016 registered for offences punishable under Sections 409, 420, 120(B) of the Indian Penal Code.

The prosecution case is that the petitioner was appointed as a teacher since March, 2015 by appointing unit, Kishanganj on the basis of forged and fabricated certificates wherein the marks obtained by the petitioner has been verified by the B.S.E.B., Patna stated to be 500(Ist division) by the petitioner but on verification found to be 400 (2nd Division). It has further been stated that the serial number in the certificate is also found to be different.

Learned counsel for the petitioner submits that he has a clean antecedent and the certificates submitted by him right from

Matriculation to M.Ed. were true and genuine but he has been falsely implicated due to conspiracy. He further submits that he is ready to refund the entire amount received as honorarium/salary on the post of Assistant Teacher from the date of his appointment till its termination to the concerned authorities.

Learned counsel appearing for the Vigilance submits that the petitioner is named in the F.I.R. and opposes the prayer for bail.

On the undertaking of the petitioner to deposit the entire honorarium, received as salary on the post of Assistant Teacher to the authorities, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S.Case No. 34 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

If the petitioner is reported not to have fulfilled his undertaking by the authorities concerned, the learned Court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

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