

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35900 of 2016

Arising Out of PS.Case No. -109 Year- 2015 Thana -C.B.I CASE District- PATNA

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Pankaj Kumar Pandey S/o Shri Birendra Pandey, resident of village + P.O.-
Barew, P.S.- Akbarpur, District- Nawada, Employed as Panchayat Teacher,
Primary School, Enayatpur, Block + P.O.- Ben, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar through the Superintendent of Police, Vigilance
Department, Vigilance Investigation Bureau, Patna.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 420, 467, 468, 471,
477A, 192, 201 and 120B of the Indian Penal Code and 13(2) read
with 13(1)(D) of the Prevention of Corruption Act.

The prosecution case is that the petitioner and others
filed CWJC No. 1963 of 2013 with a prayer for payment of salary
as the petitioner was appointed as a Panchayat Teacher in the year
2011 but the payment of salary was not being made. A Bench of
this Court while hearing the writ applications of the petitioner and
others directed for vigilance enquiry with regard to illegality
committed in appointment of Panchayat teachers. During enquiry
it was found that Panchayat teachers were appointed by making
interpolation in the merit list.

It is submitted by the learned counsel for the petitioner



that the petitioner is still working as Panchayat teacher in Primary School, Enayatpur under the Gram Panchayat Raj Eksara Ben, Nalanda. The thrust of committing interpolation in the merit list is against the appointing authority but it appears that the Panchayat Mukhiya and other appointing authority have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 18931 of 2016 whereas Siyasharan Sharma @ Siyaram Sharma being the Panchayat Mukhiya has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 20846 of 2016 and Rinku Kumari being the Panchayat teacher has been granted anticipatory bail vide Cr. Misc. No. 25126 of 2016. The petitioner is still working but without salary.

It is submitted by learned counsel for the Vigilance that during enquiry it was found that the petitioners were appointed illegally.

Considering the facts that the appointing authority including the Panchayat Mukhiya and others have been granted anticipatory bail, the petitioner is still working and this is not the case of the vigilance that the petitioners is not co-operating during enquiry, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail

bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, 1st Patna in connection with Special Case NO. 65 of 2015 arising out of Vigilance P.S. Case No. 109 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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