

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13596 of 2016

Arising Out of PS.Case No. -111 Year- 2015 Thana -MANIGACHI District- DARBHANGA

1. Gopalji Jha, Son of Shyam Sundar Jha
2. Indu Kumari, Wife of Gopalji Jha
Both Resident of Village- Majhaura, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr.Adv.
Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kr. No.3, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-05-2016

Heard.

The petitioners, who are husband and wife respectively, apprehend their arrest in a criminal prosecution registered under Sections 420, 467, 468 and 471 of the Indian Penal Code.

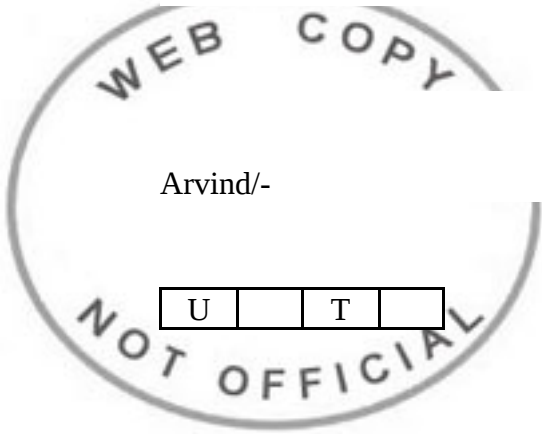
Though the petitioners are named in the FIR vide Annexure-1 as accused persons, but taking into consideration the fact that they are alleged to have obtained employment on the post of teacher in the elementary school on the basis of the alleged forged certificates and further taking into consideration the fact that they have resigned from their service as averred in paragraph 18 of the anticipatory bail application and also taking into consideration the fact that they are said to be the first offenders, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed, but it is clarified that grant of anticipatory bail by the present order to the petitioners shall not

come in the way of the State authorities for starting any other appropriate proceeding, which may be permissible under the law, against these petitioners for alleged omission and commission on their part.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Manigachhi P.S. Case No. 111 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi,

then the court below shall be at liberty to cancel the bail bond of the petitioners.



(Birendra Prasad Verma, J)