

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.44045 of 2016**

ARISING OUT OF COMPLAINT CASE NO. -392 YEAR- 2016 THANA -EAST CHAMPARAN  
COMPLAINT DISTRICT- EASTCHAMPARAN(MOTIHARI)

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1. Rambha Kumari D/o Ram Lakhan Ray, W/o Hari Kishore Prasad resident of Village-Machhargawan, Prakhand-Kotwa, P.S. Kotwa, Dist. East Champaran, Motihari
  2. Guriya Kumari D/o Ram Lagan Ray Resident of Village- Sobaiya, Prakhand-Kotwa, P.S. Kotwa, Dist. East Champaran, Motihari
  3. Anil Kumar Das S/o Ramashish Das Resident of Village-Belghati, Prakhand-Turkauliya, P.S. Turkauliya, Dist. East Champaran, Mtihari
  4. Manoj Kumar Das S/o Chandi Das Resident of Village-Beldari Tola, Prakhand- Turkauliya P.S. Turkauliya Dist. East Champaran, Motihari
  5. Lakshman Prasad S/o Adalat Sah Resident of Village-Mohbbatchhapara, Prakhand-Turkauliya P.S. Turkauliya, District East Champaran, Motihari
  6. Rubi Khanam D/o Sabir Hussain Khan Resident of Village-Dariyapur, Prakhand-Sangrampur, Dist. - East Champaran, Motihari.... .... Petitioner/s

Versus

1. The State of Bihar
2. Lal Babu Kumar Son of Sri Shiv Kumar Prasad, Panchayat Teacher, Naw Srijhit Prakhand Vidhalaya Shivbaram Ram Tola Shobiya, P.S. Kotwan, Dist East Chamapran

.... .... Opposite Party/s

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**Appearance :**

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| For the Petitioners | : | Mr. Sanjeev Kumar Mishra with<br>Mr. Chandan Priyadarshi, Advocates |
| For the Complainant | : | Mr. Rajesh Ranjan No. 1, Advocate                                   |

For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 17-10-2016**

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant (opposite party no. 2), who has *suo motu* appeared.

The petitioners seek pre-arrest bail in connection with Complaint Case No. 392 of 2016 dated 22.02.2016 instituted under Sections 420/419/467/468/471/ 120B of the Indian Penal Code.

The allegation against the petitioners is that in the appeal filed before the District Teachers Employment Appellate Authority, East Champaran (hereinafter referred to as the 'Authority'), their signatures were made by other persons.

Learned counsel for the petitioners submits that without going into the merits, the petitioners have owned up signatures on the papers filed before the Authority and, thus, a third party cannot object, much less file any criminal case, alleging signatures to be forged and fabricated, as the petitioners are owning up such signatures. It is further submitted that once that is the position, the subsequent action taken on the basis of such document is in accordance with law. Learned counsel submits that in the present case, the complainant was



that the Teachers were wrongly appointed and thrice the matter was considered by the Authority and every time it was found that the appointment of the complainant was illegal and order was passed to appoint the petitioners. It is submitted that to harass the petitioners, this frivolous complaint case has been filed and even when such plea of criminal prosecution against the petitioners was made before the Bench of this Court in C.W.J.C. No. 21334 of 2014, it was held that the Authority discharging *quasi judicial* function, the matter cannot be adjudicated before the Authority. It is submitted that in any view of the matter, when the allegation is not that the signatures are being denied, and once the petitioners admit that the signatures were made by them, there cannot be any criminality attached to such action and the Authority having thrice upheld the contention of the petitioners and order passed in their favour also proves the genuineness and *bona fide* of their claim.

Learned A.P.P. fairly submits that the complainant may not be strictly *bona fide*.

Learned counsel for the complainant submits that any document created in the name of any person but not by the same person amounts to the document being forged and fabricated as the law requires that the person himself has to sign, and signature by any other person cannot be held to be valid in the eyes of law.

Learned counsel for the petitioners submits that present is a case only for anticipatory bail and other matters with regard to merits would be considered by the Court in the main compliant case.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Complaint Case No. 392 of 2016, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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