

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37108 of 2016

Arising Out of PS.Case No. -129 Year- 2016 Thana -SONBERSA District- SITAMARHI

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Ravi Bhushan Kumar @ Ravi Bhushan Kumar Yadav, son of Kanhai Lal
Yadav, resident of village-Sangrampur, P.S. –Sonbarsha, District- Sitamarhi
..... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through Vigilance Bihar, Patna
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narain Singh, Advocate
Mr. Ritesh Kumar Narain Singh, Advocate
For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 19-10-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Sonbarsha P.S. Case No. 129 of 2016, disclosing offence under
Sections 409, 467, 468, 471 and 120B of the Indian Penal Code.

The petitioner was appointed as Siksha Mitra in the
year 2002 on the basis that he had scored 685 marks (76.01%) at
the intermediate level examination. In course of an enquiry being
conducted by the Vigilance Investigation Bureau, it was found that
the petitioner, in fact, had scored 500 marks (55.5%) only, which
was much less the marks on the basis of which he had secured his
engagement. The petitioner, by operation of rules, relating to

appointment of Panchayat Teacher, has been absorbed as Panchayat Teacher.

It is alleged against him that on the basis of forged document/certificate showing that he had scored 685 marks at the intermediate level, managed his appointment and accordingly, the First Information Report has been registered.

Learned counsel for the petitioner has submitted that the petitioner had not submitted any forged or fabricated document at the stage of his engagement. According to him, he had submitted marksheet showing that he had scored 500 marks but it seems that because of wrong entry made by the persons responsible for making selection, 685 marks was shown to have been scored by the petitioner at the intermediate level. Learned counsel for the petitioner has submitted that it can be seen from the records available with the Panchayat that the correct marksheet of the petitioner is available showing that he had scored 500 marks at intermediate level.

To say the least, the stand by the petitioner is not only preposterous but also misleading to this court. It is highly improbable that the petitioner would submit a marksheet showing less mark and without his connivance, the authorities appointed him on the basis that he had scored higher marks. The allegation of fraud played by the petitioner in securing appointment on the

basis that he had scored 685 marks at intermediate level, appears to be prima facie correct. The petitioner appears to have not only indulged in securing appointment on the basis of forged certificate he has attempted to mislead this Court by taking false plea for grant of anticipatory bail.

Considering the conduct of the petitioner, I am of the opinion that the petitioner does not deserve the privilege of anticipatory bail as there is strong likelihood that if he is allowed such privilege, he may tamper with the evidence and interfere with the course of investigation, in one way or the other.

Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J)

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