

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34409 of 2016

Arising Out of PS.Case No. -38 Year- 2015 Thana -C.B.I CASE District- PATNA

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Ramesh Mishra, Son of late Jagdish Mishra, Resident of Village- Bituhar,
P.S. Harlakhi, District Madhubani.

.... Petitioner

Versus

The State of Bihar through Vigilance

.... Opposite Party

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Appearance :

For the Petitioner : M/s. A. K. Thakur, Nilesh Kumar,
Ravi Ranjan, Advocates

For the Vigilance : Mr. Ramakant Sharma, Sr. Advocate,
Mr. Rulesh Kumar Sharma, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 19-09-2016

Heard parties.

The petitioner apprehends his arrest in a case registered for offences punishable under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code and Sections 13(2), 13(1)(d) of Prevention of Corruption Act.

As per the allegation, one Umeshwar Thakur filed an application for engagement as Shiksha Mitra and he was appointed by a Committee for the said purpose. Petitioner was also a member being Mukhiya of the Gram Panchayat. However, within one month, thereafter, when a complaint was made by one Sanjay Kumar Thakur that Umeshwar Thakur has obtained appointment by submitting false and fabricated mark-sheet, then the petitioner



removed the aforesaid Umeshwar Thakur and directed for engagement of Sanjay Kumar Thakur. However, it is stated that such order only bears the signature of the petitioner and not other members of the Committee. Thereafter, dispute arose between Umeshwar Thakur as well as Sanjay Kumar Thakur. Subsequently, Mukhiya Smt. Leela Devi passed order that engagement of Umeshwar Thakur was correct which was again challenged by Sanjay Kumar Thakur before the appellate tribunal which has held that in fact he was correct person to be absorbed as Panchayat Teacher. It is stated that the matter had traveled up to this Court as a writ petition was filed by the aforesaid Umeshwar Thakur in which it has been found that Umeshwar Thakur's mark-sheet of 756 was false and fabricated. It is also submitted on behalf of the petitioner that it is apparent from the F.I.R. that it was the aforesaid Umeshwar Thakur who had filled up the form showing as 756 marks which was based on fake mark-sheet and he had submitted such mark-sheet for obtaining engagement and, therefore, since there was no method available before the petitioner and the other members to verify the genuineness, initially he was engaged but subsequently that was rectified by the petitioner within one month.

Learned counsel appearing for the Vigilance Department

submits that F.I.R. shows petitioner's involvement also as his name has cropped up. However, learned counsel for the petitioner submits that it was Umeshwar Thakur who after cutting 546 marks had made it to 756 and there is no material to show that the petitioner was involved in such activity.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Special Case No. 16 of 2015 arising out of vigilance P.S. Case No.38 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance, North Bihar, Muzaffarpur to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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