

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34204 of 2016

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

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Ashok Kumar Yadav son of Late Lal Bihari Yadav resident of Village-
Marhiya, P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar Through Vigilance

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad, Adv.

For the Opposite Party/s : Mr. Ramakant Sharma (L.O.,I/C Vig.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 28-09-2016

Heard both sides.

The petitioner apprehends his arrest in Vigilance P.S.
Case No. 38/2015 corresponding to Special Case no. 16/2015,
registered for the offences punishable under Sections 420, 467,
468, 471 and 120B of the Indian Penal Code and Section 13(2),
13(1)(d) of Prevention of Corruption Act.

In pursuance of the order of this court an enquiry was
held by the Vigilance Department and it was found that Umeshwar
Thakur obtained only 546 marks in intermediate examination, but
he interpolated in his own mark-sheet and presented another mark-
sheet showing that he got 756 marks, on the basis of which, he
was appointed as Shiksha Mitra.

Learned counsel for the petitioner submits that petitioner
was Panchayat Secretary he was not involved in the process of

appointment. For appointment of Shiksha Mitra, Appointment Committee was constituted, consisting of officers of the Education Department and the Mukhiya of that panchayat. Petitioner is merely Panchayat Secretary record-keeper of the concerned panchayat. Mukhiya Ramesh Mishra has already been granted anticipatory bail by a co-ordinate bench of this court vide order dated 19.09.2016 passed in Cr. Misc. 34409/2016. Umeshwar Thakur has already removed from service.

Considering the facts aforesaid and the fact that petitioner is Panchayat Secretary and Mukhiya of the panchayat namely, Ramesh Mishra has already been granted anticipatory bail, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Vigilance, North Bihar, Muzaffarpur in connection with Vigilance P.S. Case No. 38/2015 corresponding to Special Case No. 16/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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