

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29102 of 2017

Arising Out of PS.Case No. -474 Year- 2016 Thana -BIHTA District- PATNA

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1. Shailendra Kumar Prabhakar, son of Amarnath Thakur, resident of village Kalyanpur Chauk, P.S. Kalyanpur, District Samastipur.
 2. Vijay Kumar, son of Bindeshwar Mahto, resident of village Jaduparan, P.S. Chakmehsi, District Samastipur.
 3. Kamini Kumari, daughter of Mahendra Prasad Patel, resident of village Jaduparan, P.S. Chakmehsi, District Samastipur.
 4. mohan Kumar Rai @ Mohan Kumari Rai, son of Ramanandan Rai, resident of village Dhruvgama (Araila), p.S. Kalyanpur, District Samastipur.
 5. Shashi Kumar Ujwal, son of Late Ram Yatan Rai, resident of village Sivaishingpur, p.S. Mohiuddin Nagar, District Samastipur present address C/o Shankar Chaudhary, Quarter No.NA 12/10 Newalakpur Anisabad, P.S. Gardanibag, Patna posted in U.M.S.Bankipur, District Patna.

.... Petitioners

Versus

1. The State of Bihar
2. The Superintendent of Vigilance Investigation Bureau, Patna.
3. Mahesh Kumar, son of Aditya Prasad Singh, resident of Mohalla B/135, Kankarbag Colony, P.S. Kankarbag, District Patna at present posted Police Inspector Vigilance, Bureau, Patna O.Ps.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 17-07-2017 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in connection with a case registered under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code.

Allegation in brief is that the petitioners got appointment to the post of teacher on forged B.E.T.E.T. certificate



when this fact was detected proceeding was initiated and they were dismissed from the service.

Learned counsel appearing on behalf of the petitioners submits that these petitioners were already dismissed from service prior to 22.6.2015, the order passed by the Hon'ble Court in C.W.J.C. No.15459 of 2014 wherein direction was given that pursuant to publication of notice general amnesty was given to such teachers, who have got appointment on forged certificate, if they voluntary resigne within 15 days from the date of notice.

It is submitted that these petitioners were already dismissed. The petitioners' case stand on different footing as the forged appointment was earlier detected prior to order dated 22.6.2015 and was dismissed form service. It is not the case that he resigned voluntarily after a direction, so it is not a case for grant of anticipatory bail.

The prayer for anticipatory bail of the petitioners, namely, shailendra Kumar Prabhakar, Vijay Kumar, Kamini Kumari, Mohan Kumar Rai @ Mohan Kumari Rai and Shashi Kumar Ujwal in connection with Bihata P.S. Case No.474 of 2016 pending in the court of A.C.J.M., Danapur, Patna is rejected. However, if the petitioners surrender and seek regular bail the same shall be considered on its own merit without being



prejudiced by this order.

(Arun Kumar, J)

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