

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23513 of 2017

Arising Out of PS.Case No. -65 Year- 2017 Thana -AURANGABAD TOWN District-
AURANGABAD

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Birendra Kumar Verma @ Virendra Kumar Verma, Son of Late Prem Lal Singh,
Resident of Village- Hardiya Bedauli, P.S.- Khiri mor, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the State : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Aurangabad
(Town) P.S. Case No. 65 of 2017 dated 24.02.2017 instituted under
Sections 467/468/471/420/409/120B of the Indian Penal Code.

3. The allegation against the petitioner and others is that
on the basis of a forged and fabricated letter purportedly written by
the Director-in-Chief, Health Services, Bihar he was reinstated in
service.

4. Learned counsel for the petitioner submitted that
upon his termination earlier, he had moved the Court and the matter
was remanded to the Justice Uday Sinha Committee, which, after



looking into the matter and hearing both the sides has come to the conclusion that the appointment of the petitioner was genuine and thereafter, he was reinstated. However, subsequently the petitioner along with 17 others were removed from service by order dated 14.10.2014, against which he represented to the Civil Surgeon and in the year 2016, the Civil Surgeon ordered for his reinstatement and he was working peacefully on the said post till the time the said F.I.R. was lodged. Learned counsel submitted that the Department has also come out with a notification that in all such cases where Justice Uday Sinha Committee has given a clean chit, even if they have been removed, they shall be reinstated and thus, the petitioner had represented to the Civil Surgeon. Learned counsel submitted that he was not responsible for the forged and fabricated letter of the Director-in-Chief, Health Services, Bihar and the Civil Surgeon had ordered for his reinstatement based on his genuine claim. Learned counsel drew the attention of the Court to order dated 06.07.2017 passed by a co-ordinate Bench in Cr. Misc. No. 22336 of 2017 by which four co-accused have been granted anticipatory bail.

5. Learned A.P.P. submitted that against the petitioner, the allegation is that pursuant to his termination, the manner in which he has been reinstated i.e., based on a forged and fabricated letter of the Director-in-Chief, Health Services, Bihar he cannot be said to be



innocent as he is the main beneficiary of the order. As far as the order in the case of four others in Cr. Misc. No. 22336 of 2017 is concerned, it was pointed out that though their service was also terminated on 14.10.2014, they had not joined on the basis of the said letter which is forged and fabricated. It was thus submitted that in the present case, it is an admitted position that the petitioner had joined on an order issued by the Civil Surgeon, which was in terms of and in compliance of the letter of the Director-in-Chief, Health Services, Bihar which itself was forged and fabricated.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. However, in the event the petitioner surrenders and prays for regular bail before the Court below within three weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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