

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29687 of 2017

Arising Out of PS.Case No. -697 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Avinash Kumar Jha, son of Sri Chand Prasad Jha, resident of Village- Daka
Mirzapur, Police Station- Shambhuganj, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

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

The petitioner apprehends his arrest in Sadar Kotwali
P.S. Case No. 697 of 2016 instituted for the offence under
Sections 409, 420, 467, 468, 471 and 120(B) of the Indian Penal
Code.

The allegation against this petitioner is that he got
appointment as Block teacher in Shahkund Block at Bhagalpur on
the basis of forged and fabricated certificate. The petitioner was
removed from service when certificate was found to be forged and
fabricated.

Learned counsel for the petitioner has submitted that
petitioner is no more in service as he has already been terminated
from the service and he is ready to refund the emoluments



received by him during his tenure as teacher in 12 equal installments.

The other co-accused persons with similar allegation has already been granted anticipatory bail by a coordinate Benches of this Court vide orders dated 23.2.2017, 17.3.2017, 21.3.2017 and 6.4.2017 passed in Cr. Misc. 8094 of 2017, 12857 of 2017, 11788 of 2017 and 14881 of 2017 respectively on the undertaking given by them that they will return the emoluments received by them in 12 equal installments.

In such circumstances, since the other accused persons have already been granted bail on the terms and conditions as mentioned in the aforesaid orders, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Bhagalpur Sadar Kotwali P.S. Case No. 697 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall



cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petitioner is directed to refund the entire amount of salary which he received by working as a teacher, in 12 equal installments. The petitioner will make deposit of 1st installment at the time of surrender before the court below within a period of six weeks and, thereafter, he will continue to pay the remaining amount in 12 equal installments, failing which, the court below will be at liberty to cancel the bail bonds of the petitioner.

(Sanjay Priya, J)

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