

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54658 of 2017

Arising Out of PS.Case No. -38 Year- 2015 Thana -VIGILANCE District- PATNA

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1. Umeshwar Thakur, Son of Sri Harischandra Thakur, Resident of
Village- Kalna, P.S.- Harlakhi, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. Vijay Kumar Srivastava, Dy. S.P. Vigilance Investigation Bureau, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 29-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Vigilance Case No.38 of 2015 (Special Case No.16/2015) instituted for the offences under sections 424, 467, 468, 471, 120B of the Indian Penal Code read with Section 13(2) and Section 13(I)(d) of the P.C. Act.

It has been submitted on behalf of the petitioner that the petitioner has been made accused on the basis of observations made by the Hon'ble Court, in C.W.J.C. No.18796 of 2012 dated 17.11.2014, which is enclosed as Annexure-1.

From perusal of Annexure-1, it appears that there was dispute between the petitioner and one Sanjay Kumar Thakur with regard to appointment of Shiksha Mitra. Originally the petitioner



was appointed as Shiksha Mitra, on the basis of mark sheet of Intermediate submitted by him showing 546 marks. Thereafter, Sanjay Kumar Thakur was appointed on his place, on the ground that the petitioner has resigned from the service. The petitioner has challenged the matter before District Teachers Appointment Appellate Tribunal, Madhubani and the Tribunal passed the order in favour of Sanjay Kumar Thakur. The petitioner has challenged the order of Tribunal in C.W.J.C. No. 18796 of 2012, and during course of hearing in that writ petition, Sanjay Kumar Thakur whose appointment was under challenge, challenged the appointment of the petitioner on the ground of producing forged Intermediate Council mark sheet and as such a dispute was raised by him before the Hon'ble Court in writ application.

From the order of Hon'ble court, it appears that during hearing of the Writ application filed by this petitioner, Sanjay Kumar Thakur had made submission before the court that the petitioner has submitted forged mark sheet and thereafter, this court has ordered for Vigilance enquiry.

Learned counsel for the Vigilance appeared and opposed the prayer of bail of petitioner by submitting that the petitioner committed forgery in Intermediate mark sheet, showing 756 marks in place of 546 marks.



The Counsel for the petitioner has submitted that it is evident from application form itself that 546 marks was written which was struck off and 756 marks has been written.

In this manner, it appears that dispute was raised by Sanjay Kumar Thakur for the first time in Hon'ble Court in C.W.J.C. No. 18796 of 2012, of producing forged marks sheet of Intermediate examination by petitioner and the Hon'ble Court merely on basis of such statement of Sanjay Kumar Thakur, whose appointment was challenged by this petitioner in the aforesaid writ application, ordered for vigilance enquiry, on the basis of which the instant F.I.R. has been lodged against the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named in the event of surrender within six weeks from the date of receipt of this order, in connection with, Vigilance Case No.38 of 2015 (Special Case No.16/2015) 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 Special Judge Vigilance, Muzaffarpur, 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 co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

(Sanjay Priya, J)

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