

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60123 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

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Md. Masoom Rashid, S/o Abdul Mannan, R/o Village- Baria, P.O.-
Mohanpur, P.S.- Bibhutipur, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Vigilance, the State of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav,
Advocate.

For the Vigilance : Mr. Rama Kant Sharma, Sr. Advocate
Vigilance L/O

For the State : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 01-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Khanpur P.S.**

Case No. 71 of 2017 corresponding to G.R. No. 1436 of 2017

instituted for the offence under Sections 420, 467, 468, 471 and
120B of the Indian Penal Code.

Supplementary affidavit filed on behalf of the
petitioner stating that petitioner was appointed on 21.3.2015 on the
post of untrained primary teacher on fixed *Manday* of Rs.9,000/-
He was posted at Primary School Dagarua vide appointment letter
issued on 10.4.2015 by Panchayat Secretary-cum-Panchayat
Appointment Unit, Gram Panchayat, Raj Siwaisingpur (Annexure-



2) to the supplementary affidavit. The petitioner has resigned from his service after giving resignation letter to Panchayat Secretary cum Appointment Committee, Siwaisingpur – Khanpur, on 24.5.2017 which has been enclosed as Annexure-3 to the supplementary affidavit. It is mentioned in paragraph-5 of the supplementary affidavit that with regard to his resignation letter, no receiving was given to him.

The allegation against this petitioner is that he was appointed as untrained Panchayat Teacher on the basis of forged TET certificate and First Information Report has been lodged against this petitioner in terms of the order of this Hon'ble High Court in CWJC No. 15459 of 2016.

Learned counsel for the Vigilance has appeared and submitted that order of this Hon'ble Court in CWJC No. 15459 of 2016 was to submit resignation by teachers who have been appointed on forged documents within a fixed period. The person who had resigned during that period were not to be proceeded against. This petitioner has resigned after lapse of aforesaid period on filing of First Information Report on 24.5.2017.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed with condition that department will be at liberty to recover the amount



which the petitioner has received while he was working as *Panchayat Teacher* after the cut-off period granted by this Hon'ble High Court in CWJC No. 15459 of 2014 and petitioner will make payment of the aforesaid amount on demand.

In the facts and circumstances of the case, in the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Khanpur P.S. Case No. 71 of 2017**, 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 Additional Chief Judicial Magistrate, Samastipur**, 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 their 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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