

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62658 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -BHAGWANPUR District- BEGUSARAI

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1. Bablu Paswan, S/o Laxmi Paswan, R/o Village- Maida Babhangama, P.S.- Birpur, District- Begusarai.
 2. Raj Kumar Thakur S/o Beni Thakur, R/o Village- Bagras, P.S.- Bhagwanpur, District- Begusarai.
 3. Ram Yajn Kumar S/o Dayanand Chaudhary, R/o Village- Danyalpur, P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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with

Criminal Miscellaneous No.946 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -BHAGWANPUR District- BEGUSARAI

- =====
1. Pratibha Kumari, D/o Mayaram Mahto and W/o Vijay Kumar,
 2. Sunita Kumari D/o Ram Ratan Mahto, Both, R/o Village- Kiratpur, P.S.- Bhagwanpur, District- Begusarai.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.62658 of 2017)

For the Petitioner/s : Mr. Suraj Narain Pd. Sinha, Sr. Advocate
Mr. Jitendra Narain Sinha
Ms. Kanchan Kumari

For the Opposite Party/s : Mr. Santosh Kumar Pandey,
A.C. to Ramakant Sharma, Sr. Advocate

(In Cr.Misc. No.946 of 2018)

For the Petitioner/s : Mr. Suraj Narain Pd. Sinha, Sr. Advocate
Mr. Jitendra Narain Sinha
Ms. Kanchan Kumari

For the Opposite Party/s : Mr. Santosh Kumar Pandey,
A.C. to Ramakant Sharma, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



6 13-03-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bhagwanpur P.S. Case No. 131 of 2017 registered for the offence under Sections 467, 468, 471, 420 and 120(B)/34 of the Indian Penal Code.

The allegation in the present case is regarding the petitioners herein and others obtaining appointment on the post of teachers with the help of the officers of employment units on the basis of forged marks sheet etc.

The learned senior counsel for the petitioners submits that though there may be allegation of obtaining employment on the basis of forged marks sheet etc., according to the petitioners no misrepresentation has been made by them. It is submitted that most of the petitioners have not received a single penny by way of salary and those petitioners who have received the same are ready to refund the same. It is further submitted that similarly situated persons have already been granted bail by this Court by various orders, one of them be the order dated 07.03.2018 passed in Criminal Misc. No. 11178 of 2018.

Per contra, the learned counsel for the Vigilance has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct those petitioners who have



received salaries to refund the same within a period of four weeks from today by depositing the said amount before the Nazarat of the concerned court. It is directed that all the petitioners would surrender before the concerned court within the same time frame i.e. within a period of four weeks and those petitioners who have received some salary would show the deposit receipt of the said amount in the Nazarat of the Court and rest of them are not required to show any deposit receipt whereafter the petitioners herein would be admitted to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 131 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners herein will join investigation and they will cooperate the investigating agency and if they do not join investigation, the prosecution shall be free to approach this Court for cancellation of their bail.

(Mohit Kumar Shah, J)

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