

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57067 of 2018

Arising Out of PS.Case No. -67 Year- 2017 Thana -VIGILANCE District- PATNA

=====

Md. Aftab Ansari, present teacher, Sikraur Panchayat, Block Shivsagar, District Rohtas son of Sabir Ansari resident of village - Naudiha, Police Station - Shivsagar, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate

For the Vigilance : Mr. Arbind Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 08-10-2018 Heard learned counsel for the petitioner and learned counsel for the Vigilance.

The petitioner seeks pre-arrest bail in connection with Vigilance P.S. Case No. 67 of 2017 /Special Case No. 187 of 2017 registered under Sections 406, 420, 407, 468, 201, 120B of the Indian Penal Code read with Section 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988.

He was appointed as a teacher at primary school, Naudiha in the District of Rohtas. One Md. Asgar Ali, who was also one of the applicants for being appointed as a teacher along with the petitioner, had approached this Court making certain allegations against the petitioner that he had used fake training experience certificate for obtaining his employment. Pursuant to



the writ petition filed by Md. Asgher Ali vide order dated 04.07.2016 passed in C.W.J.C No. 10802, a Bench of this Court directed the Superintendent of Police (vigilance) to conduct an enquiry into the allegations made by the petitioner and take appropriate action. Thereafter, a preliminary enquiry was conducted and on the basis of findings of the preliminary enquiry, the instant FIR was registered against the petitioner for the offences punishable under Sections 406, 420, 407, 468, 201, 120B of the Indian Penal Code read with Section 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submitted that the petitioner had never ever produced the fake training experience certificate for the purposes of his appointment. As a matter of fact, the said document is a fabricated document produced by Md. Asgher Ali, who was hostile, as the petitioner was selected for appointment and, on the date of interview, he had failed to appear before the selection committee.

Learned counsel appearing for the Vigilance submitted that it is a gross case in which by utilizing fake experience certificate, the petitioner obtained extra twenty marks and, on that basis, he secured higher marks than Md. Asher Ali and got employment. He submitted that the gravity of the offence can be



assessed from the fact that the FIR was instituted pursuant to the order passed by this Court and, only after holding preliminary enquiry responsibly when the allegations were found to be true.

I have heard learned counsel for the parties.

In my opinion, as the petitioner was the beneficiary of the fraud, he is not entitled to be extended pre-arrest bail.

Accordingly, the application for grant of pre-arrest bail is rejected.

In case, the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./SkSuman.

U		T	
---	--	---	--

