

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9890 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Baban Pandey Son of Ekobrahm Pandey Resident of Village-Chhotki
Sarimpur, P.S.- Buxor, District- Buxor

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad , Sr. Adv.

For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-02-2019 Heard Mr. Rajendra Prasad learned counsel for

the petitioner and Mr. Ajay Mishra for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Buxar Industrial Area P.S. Case No. 248/2018 dated 08.12.2018 instituted for the offence under Sections 109, 193, 203, 205, 219, 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The petitioner is a retired Headmaster who has been made accused in the subject F.I.R. on the allegation that he had created a document to favour his daughter-in-law, for her to take benefit of her being



appointed as Shiksha Mitra prior to 01.02.2006, the date on which such scheme of Shiksha Mitras was abolished. The entire controversy arose when one of the candidates, dissatisfied with her not having been appointed as a Shiksha Mitra had approached this court in a writ petition, when this court had directed for production of the original register to ascertain as to from what date, the respective teachers were working as Panchayat Shiksha Mitras. Before the writ court, two registers were placed which had different contents. Obviously therefore, the other register which was not found to be genuine was the creation of the petitioner who was at the relevant time the Headmaster of the school. The writ court, peeved by the aforesaid fact, directed the Vigilance Department to initiate a proceeding and take the same to a logical end/conclusion. Hence the subject F.I.R. was lodged.

Mr. Rajendra Prasad learned senior advocate defending the petitioner and canvassing for his



anticipatory bail has submitted that the direction of the writ court was to initiate departmental proceeding against the petitioner or against this daughter-in-law who was the beneficiary of the misconduct of the petitioner. The order of the writ court was never intended to subject the petitioner to any criminal prosecution.

The prayer for anticipatory bail of the petitioner has been seriously opposed by Mr. Ajay Mishra Learned A.P.P.

Be that as it may, since it was found that a document was created and an enquiry was held pursuant to lodging of the F.I.R. in which some evidence has come indicating the complicity of the petitioner. In any view of the matter, regard being had to the nature of accusation against the petitioner and taking into account the fact that criminal case is continuing against the petitioner and the writ petition in which such a direction was given, which was precursor to the lodging of the



F.I.R. is still pending consideration this court deems it appropriate to direct for release of the petitioner on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar Industrial Area P.S. Case No. 248/2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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