

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14938 of 2019

Arising Out of PS. Case No.-99 Year-2019 Thana- KOTWALI District- Patna

ANJANI KUMAR SHARMA Son of Late Ram Chandra Sharma Resident of
New Mahavir Colony, Beur Hasanpura Road, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chitaranjan Prasad Singh, Sectional Officer, Examination Branch, Saran Block, Bihar School Examination Board, P.S.- Kotwali, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 99/2019 registered for the offence punishable under Sections 417/418/419/420/468/469/471/120 (B) of the Indian Penal Code.

Learned counsel for the petitioner submits that in pursuance of an order dated 27.08.2018 passed in C.W.J.C. No. 23155 of 2013, the certificates of one Anjula Srivastava wife of Lalan Prasad was placed for verification on 07.09.2018 before the office of the Bihar School Examination Board. It is further submitted that the Committee formed vide Memo No. 6699 dated 16.11.2018 submitted its report dated 24.11.2018 wherein



it was found that the original certificate No. -F.No. 036215, Code Chhapra, Serial No. 2522Z, of the year 1967(S) and Receipt No. 2117681 dated 22.12.2012 has been issued by tampering the records of the D.T.R. and the O.T.R. of the Bihar School Examination Board. On enquiry having been made as to who were responsible for issuance of such certificates, it came to be known that the petitioner was one of the signatories to the said certificate and, therefore, he is facing prosecution.

Learned counsel further submits that the present petitioner is a handicapped person who has been assigned such duties by the Board as he is unable to perform other such duties which entail movement on his part. It is further submitted that so far as the role of the present petitioner is concerned with regard to the issuance of the certificate, the register which was produced by him was tallied and in the said register itself, there were interpolations made from before and on the basis of such interpolations in the O.T.R. and D.T.R., the petitioner had countersigned after verifying the same. It is submitted that such interpolations may have been made much earlier when the original certificate was prepared at the Bihar School Examination Board for the reason that it was also found that the said Anjula Srivastava had not



even passed the matriculation examination and had fraudulently taken admission in the Teachers Training Course for which the certificate in question had been issued. It is thus submitted that on account of such facts and circumstances, the petitioner who is a handicapped person may since be extended the privilege of anticipatory bail.

Having considered at length the argument advanced by learned counsel for the petitioner and considering the fact that the petitioner is not likely to abscond or tamper with the evidence and is a handicapped person and still serving with Bihar School Examination Board, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 99/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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