

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28815 of 2019**

Arising Out of PS. Case No.-431 Year-2018 Thana- GHOSI District- Jehanabad

Basudeo Prasad Son of Shyam Sundar Sao, Resident of Village- Gautam
Budha Colony (Dhaniya Bagicha), P.S.- Delha, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate.
For the Vigilance	:	Mr. Sanjay Prasad, Advocate.
For the State	:	Mr. Ajay Mishra,, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 02-05-2019 Heard learned counsel for the petitioner, learned
counsel for the Vigilance and learned A.P.P. for the State.

The petitioner apprehends his arrest in Ghosi P.S.
Case No.431 of 2018 registered under Sections 420, 467, 468,
471, 196, 197, 198, 199, 201 and 120(B) of the Indian Penal
Code.

The informant alleged that he made investigation with
regard to illegality committed in the appointment of panchayat
teachers in pursuance of the order passed by the High Court in
C.W.J.C. No.15459 of 2014 and found that the mark-sheet
submitted by one Birendra Kumar Sharma was not issued by
Sanskrit Shiksha Board. It is alleged that Birendra Kumar
Sharma was appointed on the basis of forged and fabricated



certificate. It is further alleged that the petitioner (Panchayat Secretary) and Surendra Sharma (Chairman-cum-Mukhiya of Gram Panchayat Saho Bigha) completed the appointment procedure and appointed Birendra Kumar Sharma.

Learned counsel for the petitioner submits that admittedly the petitioner was Panchayat Secretary of Gram Panchayat Saho Bigha in the year 2003 but the petitioner has no role to play in appointment of *panchayat shiksha mitra*. The guidelines as contained in Resolution No.1079 dated 20.06.2002 provides guidelines for appointment of *panchayat shiksha mitra* on contract. Rule 6 thereof says that there shall be a Committee and the senior most teachers of middle school shall be the special invitee. The Committee shall scrutinize the certificates of the applicants. Therefore, the petitioner is not at all responsible for appointment of Birendra Kumar Sharma. It is submitted that Birendra Kumar Sharma has already been granted anticipatory bail by order dated 08.04.2019 passed in Cr.Misc.No.21797 of 2019. The case of the petitioner stands on better footing.

On the other hand, learned counsel for the Vigilance as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the person,



who was appointed on fake certificate, has already been granted anticipatory bail.

Having considered the facts aforesaid and the fact that the appointment was made in the year 2003 in which the petitioner was not authorized to scrutinize any certificate of the applicants for appointment on the post of *panchayat shiksha mitra*, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge I, Jehanabad in connection with Ghosi P.S. Case No.431 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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