

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40049 of 2019**

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna
=====

KRISHNA KUMAR, male, aged about 46 years, Son of Raja Ram Sharma
Resident of Village - Mataur, P.S.- Makhdumpur, District - Jehanabad.

... .. Petitioner

Versus

The Union of India through the S.P, C.B.I./ACB., Patna.

... .. Opposite Party

=====

with

CRIMINAL MISCELLANEOUS No. 37705 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna
=====

LALAN PRASAD, aged about 43 years, male, Son of Sri Dhaneshwar
Prasad Resident of Village - Banshi Bigha, P.S.- Belaganj, District- Gaya

... .. Petitioner

Versus

The Union of India through the Central Bureau of Investigation, Patna

... .. Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 49405 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- C.B.I CASE District- Patna
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ASHA KUMARI female, aged about 29 years, Wife of Kamlesh Kumar
Resident of Village- Indo, Police Station- Bhagwanganj, District- Patna.

... .. Petitioner

Versus

The Union of India through the S. P, C.B.I. / A. C. B. ,Patna

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40049 of 2019)

For the Petitioner : Mr. Manish Kumar No.2, Advocate.



For the CBI : Mr. Bipin Kumar Sinha, SC/CBI
(In CRIMINAL MISCELLANEOUS No. 37705 of 2019)
For the Petitioner : Mr. Ajay Kr Singh No.1, Advocate.
For the Opposite Party: Mr. Bipin Kumar Sinha, SC/CBI
(In CRIMINAL MISCELLANEOUS No. 49405 of 2019)
For the Petitioner : Mr. Manish Kumar No2, Advocate.
For the Opposite Party: Mr. Bipin Kumar Sinha, SC/CBI

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 02-09-2019 Heard learned counsel for the petitioners and learned counsel for the Central Bureau of Investigation.

2. The petitioners apprehend their arrest for the offences alleged under Sections 120(B), 420, 467, 468, 471 and 474 of the Indian Penal Code registered in connection with R.C. Case No. 5(A) of 2018, Special Case No. 08 of 2018 arising out of CBI/ACB/Patna P.S. Case No. 05 of 2018.

3. Learned counsel for the petitioner Krishna Kumar submits that the petitioner has been falsely implicated on the accusation that he has submitted forged B.Ed. Certificate for obtaining appointment as teacher. It is submitted however that the forged certificate has not been produced. Moreover, the petitioner has been paid salary of an untrained teacher and as such the question of submitting forged certificate of B.Ed. is highly improbable, as in such event he would be eligible for salary as a trained teacher.

4. As regards the petitioner Asha Kumari, it is submitted that there is no allegation against her of having submitted forged certificate rather it is a case of her certificate having been signed only by four out of the five members of the Selection Committee inasmuch as one of the members, Nitu Devi, was not present at the relevant time having been away at Mumbai.

5. As far as the petitioner Lalan Prasad is concerned, it



is submitted that he was working in the capacity of clerk and he was the responsibility to enter names of the candidates in the register and he could not have been held responsible if the concerned candidate did not appear before the Board, or produced a forged certificate.

6. Learned counsel for the CBI appears and opposes the petitions on the basis of the chargesheet dated 21.03.2018 submitted in the Court of learned Special Judge, CBI, Patna. It is submitted that the accusations against the petitioners have been made in an occurrence involving conspiracy among large number of persons including the petitioners in the appointment of Panchayat Teachers under Mudika Panchayat in Paliganj Block, District- Patna during the period 2008-10.

7. As regards the petitioner Krishna Kumar, reference is invited to paragraph-35 of the chargesheet, inter alia, stating that the members of the Appointment Committee have conspired with him by writing the marks on the basis of forged B.Ed/BT certificate, without which he would not have been listed in the General category merely on the basis of his Matric and Intermediate marks. Reference is also invited to paragraph-44 from which it transpires that Mukhiya of Mudika Panchayat, Sanjay Kumar who was also the president/Head of Appointment Committee, during preliminary enquiry by the CBI, had produced the original documents pertaining to appointment of teachers but later failed to produce the same on the ground that the same were not available.

8. With regard to petitioner Asha Kumari, he refers to paragraph-39 of the chargesheet, according to which her appointment was made on the basis of forged merit list in the unreserved category (Female- visually challenged), containing forged signature of one member Nitu Devi. The certificate of handicapped (visually challenged) produced by her was proved to



be false. But for such fake certificate, she would not have been selected for the post of teacher on the basis of her merit.

9. The role of petitioner Lalan Prasad has been equally suspect, as evident from paragraph-50 of the chargesheet inasmuch as his writing is available on the certificate of co-accused Asha Kumari, as well as on the PH issue register along with the forged signatures of the doctors. It is pointed out that the name and address of co-accused Asha Kumari appears at serial no. 132 of the PH register. However, while PH certificates only upto serial no. 131 had been issued on 23.09.2008, the certificate at serial no. 132 was issued on 30.09.2008 to another candidate. This certificate no. 132 was found to be written by petitioner Lalan Prasad.

10. It is therefore submitted on behalf of the CBI that the entire occurrence is the result of conspiracy among the persons including members of the Appointment Committee and the petitioners, as evident from various paragraphs of the chargesheet including paragraph nos. 4, 17, 18, 34, 35, 36, 37, 39, 44, 45, 48, 49, 50 and 51 of the chargesheet. Similarly situated beneficiary candidate Chinta Mani Kumari appearing at paragraph-51 (VII) of the chargesheet has withdrawn the petition for anticipatory bail after some arguments in Cr. Misc. No. 50366 of 2019.

11. Having regard to the nature of accusations and the gravity of the offence alleged, this court is not inclined to grant the privilege of anticipatory bail to the petitioners. The anticipatory bail petition of the petitioners stands dismissed. It is made clear that the learned Court below shall cancel the bail bonds if furnished pursuant to grant of provisional anticipatory bail of the petitioners namely Krishna Kumar and Asha Kumari.

12. If the petitioners surrender and seek regular bail before the learned Court below the same shall be considered on



their own merit in accordance with law, without being prejudiced
by any observation in the present order.

(Vikash Jain, J)

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