

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47611 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- RAHUI District- Nalanda

Sunil Paswan, Son of Late Siya Saran Paswan, Resident of Barandi, PS
Rahui, District Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anita Kumari

For the Opposite Party/s : Mr. Ramakant Sharma L.O.,Inc.,Vigilance

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

10 15-04-2019 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 419, 420, 467, 471, 120(B)/34 of the Indian Penal Code and under Sections 7 and 8 of Prevention of Corruption Act, 1988.

The prosecution case as per the written report of Sumit Kumar, I/c Block Development Officer, Rahui submitted to the S.H.O., Rahui P.S. is to the effect that in pursuance to the direction of Divisional Commissioner, Patna the FIR was lodged



to the effect that the petitioner, the then Panchayat Mukhiya and Panchayat Secretary fraudulently made engagement of Ravi Ranjan Kumar and Ran Vijay Sinha as Siksha Mitra. It is alleged that co-accused Ran Vijay Sinha appeared twice in the matriculation examination in the year 1978 and 1991 after changing his name and date of birth and co-accused Ravi Ranjan Kumar also appeared twice in the matriculation examination in the year 1980 and 1994 after changing his name and date of birth. It is further alleged that the petitioner along with Panchayat Secretary by conspiracy appointed co-accused Ran Vijay Sinha and Ravi Ranjan Kumar as Shiksha Mitra.

It is submitted by learned counsel for the petitioner that the petitioner was engaged only for 11 months on the post of Shiksha Mitra and ultimately they have been appointed as Panchayat Teacher by operation of the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006 (hereinafter referred to as 'the Rules, 2006'). It is further submitted that the forgery has been committed by the candidates who submitted the forged certificate and there is no doubt that both the candidates have been appointed on the basis of alleged forged educational certificate. It is further submitted that similarly situated co-accused, Dinesh Prasad Singh, has



been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.07.2018 passed in Cr. Misc. No.41048 of 2018.

It is submitted by learned counsel for the informant that the petitioner was the Chairman of the appointment committee and earlier the petitioner rejected the claim of one of the candidates namely, Ran Vijay Sinha for engagement on the post of Siksha Mitra, and by virtue of working as Siksha Mitra he got absorbed as panchayat teacher by operation of Rule 20 of Rules, 2006.

Considering the fact that engagement on the post of Siksha Mitra was made for the period of 11 months subject to reengagement for three terms i.e. 33 months and by coming into force of Rules, 2006, the post of Siksha Mitra has been abolished coupled with the fact that the similarly situated co-accused has been granted anticipatory bail by Co-ordinate Bench of this Court, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special Judge Vigilance, 1st, Patna** in connection with **Rahui P.S. Case No.39 of 2018 (Special**



Case No.08 of 2018), subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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