

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52224 of 2019

Arising Out of PS. Case No.-669 Year-2018 Thana- BARACHATTI District- Gaya

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VIJAY SINGH @ VIJAY KUMAR SINGH S/o Late Hari Narayan Singh R/o
village- Nawada, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Vigilance, Bihar Government Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena
For the Opposite Party/s : Mr.Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2019 The petitioner apprehends his arrest in connection with Barachatti P. S. Case No. 669 of 2018 registered under Sections 196,197,198,199,201,120B,420,467 and 468 of the Indian Penal Code.

Allegation against the petitioner is that he, being Panchayat Secretary of Panchayat-Sinduar, Block-Mohanpur, District-Gaya, has issued appointment letter in favour of Anil Kumar as Panchayat Teacher in Primary School Merokhap, Panchayat-Sinduar.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not the member of the Appointment Committee and he is merely a Panchayat Secretary and as per decision of the Appointment Committee, petitioner has issued



appointment letter to Panchayat Teacher Anil Kumar, whose T.E.T. certificate has been found to be fake and false in vigilance enquiry. Learned counsel further submits that there was no mechanism before the petitioner to verify the certificate immediately and the affidavit has been taken by the teacher to the effect that in case his certificate would be found forged, he would be liable to get punished.

On the other hand, learned counsel for the Vigilance Department vehemently opposes the prayer for anticipatory bail and submits that petitioner was also a person in the process of appointment and he is responsible to verify the forged and fabricated certificate submitted by the beneficiary.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner is Panchayat Secretary and not the appointing authority and further there was no mechanism to verify the certificate immediately by the petitioner, accordingly, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties



of the like amount each to the satisfaction of the learned ACJM,
Sherghati at Gaya in connection with Barachatty P.S.Case No.
669 of 2018; subject to condition as laid down under Section
438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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