

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71929 of 2018

Arising Out of PS. Case No.-662 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Ashfaq Alam S/o Md. Bashiruddin, Resident of Village-Khamauli, P.S.
Simari Bakhriyarpur, District-saharsa, Presently residing at Mohalla-
Inamuhalak Milki, P.S.-Bihpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kotwali (Adampur) P.S. Case No. 662 of 2016 dated 29.11.2016 instituted for the offences under Sections 409, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The petitioner is alleged to have obtained appointment as a Teacher on fake and forged certificate regarding his academic qualification. The aforesaid facts were unearthed only after an order passed in PIL petition before this Court which gave direction to the respondent authorities to enquire about the irregularities in the appointment process of teachers.



Mr. Pramod Kumar Singh, learned counsel for the petitioner has submitted that under similar circumstances many other teachers whose certificates were found to be forged have been granted anticipatory bail by a bench of this Court.

Mr. Ajay Mishra, learned counsel for the State has stated that because of the submission of false/forged certificate, the petitioner obtained appointment.

Nonetheless, the situation today is that the petitioner has been removed from service and is facing criminal prosecution. No material has been brought out before this Court to justify any custodial interrogation of the petitioner as the investigation would primarily veer around finding out the process by which fake certificates were obtained and made use of for the purposes of appointment in Government job.

Considering the aforesaid facts and taking into account that similarly situated accused persons have been granted the privilege of anticipatory bail, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S. Case No. 662 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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