

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68471 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- ADHAOURA District- Kaimur (Bhabua)

BADRİ PRASAD Son of Mannu Ram @ Mannu Prasad Resident of Village-
Ahiraon, P.S.-Belaon, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-11-2019 Heard both sides.

The petitioner apprehends his arrest in Adhoura P.S.
Case No.22 of 2019 registered under Sections 420, 467, 468,
471, 120B of the Indian Penal Code.

In pursuance of the order passed by Patna High Court
in CWJC No.15459 of 2014, the Department of Vigilance, Govt.
of Bihar made inquiry with regard to illegality in appointment of
panchayat teachers and appointment on the basis of forged
certificates. During the course of inquiry of the school of the
petitioner(Badri Prasad), it transpired that Badri Prasad
submitted his intermediate certificate bearing Roll Code 1602,
Roll No.10314 of the year 1999. The petitioner was shown to
have obtained 696 marks but on verification of the



certificate/marksheet produced by the petitioner from Bihar School Examination Board, it transpired that the petitioner got only 393 marks and it was petitioner who produced fake and forged marksheet and got appointment on the post of teacher.

The learned counsel for the petitioner submits that petitioner was appointed in the year 2007 after he being selected for the post of panchayat teacher in primary school, Panchmahul. At the time of appointment, the educational certificate of the petitioner was verified and since then he has been performing the duty of teacher. The petitioner also passed State Teachers' Eligibility Test conducted by the Education Department. The Vigilance Department made cryptic verification and on the basis of the cryptic report of the Bihar School Examination Board showing that the petitioner obtained only 393 marks, there is no other documents to show that the petitioner forged the marksheet. It is further submitted that Saroj Kumari, similarly situated co-accused has already been granted anticipatory bail by order dated 05.08.2019 passed in Cr. Misc. No.48598 of 2019 and thus, petitioner also deserves anticipatory bail. The petitioner referred page 26 of the brief and submitted that this is the marksheet of the petitioner but it appears that it is a provisional certificate issued to Saroj Kumari and not to the



petitioner.

On perusal of F.I.R. itself, it appears that petitioner himself submitted forged and fake certificate of intermediate pass and claimed to have obtained 696 marks and fraudulently got appointment but on verification of the certificate of the petitioner by the Vigilance Department from Bihar School Examination Board, it transpired that the petitioner got only 393 marks and thus, it is evident that it was petitioner who had produced fake marksheet of intermediate pass and fraudulently got appointment on the post of teacher.

Considering the fact that petitioner fraudulently got appointment after producing fake marksheet, I am not persuaded to grant anticipatory bail to such person who has committed forgery and got appointment ousting the meritorious students from the selection process. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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