

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78470 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- SAHIYARA District- Sitamarhi

Sunil Kumar, son of late Rambali Baghat, resident of village and P.O. -
Matiyar, P.S.- Sahiyara, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of Police, Vigilance Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Advocate
For the Opposite Party/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Sahiyara PS Case No.23 of 2019 dated 14.02.2019 instituted
under Sections 420, 467, 468, 471 of the Indian Penal Code.

3. The allegation against the petitioner is that he had
obtained employment as a *Panchayat* Teacher on the basis of
forged and fabricated certificates/documents and continued to
draw salary for sixteen years.

4. Learned counsel for the petitioner submitted that he
has already been dismissed from service, which was sufficient
punishment and the criminal case is unwarranted. It was



submitted that persons with similar allegation against them have been granted privilege of anticipatory bail by co-ordinate Benches of this Court namely **Basukinath Singh** by order dated 20.11.2019 passed in Cr. Misc. No.63423 of 2019, **Binod Kumar Singh** by order dated 20.11.2019 passed in Cr. Misc. No.63363 of 2019, **Sudha** by order dated 24.10.2019 passed in Cr. Misc. No.67940 of 2019, **Sabir Ahmad** by order dated 20.09.2019 passed in Cr. Misc. No.59621 of 2019 and **Jamila Khatoon** by order dated 27.11.2019 passed in Cr. Misc. No.69915 of 2019.

5. Learned APP submitted that the petitioner having continued in service for sixteen yeas and having taken money from the government exchequer does not deserve any sympathy as the service based on forged and fabricated documents is a pure criminal act for which law requires him to be suitably punished. It was submitted that the petitioner was fully aware that he had no valid qualification and still took the service at the cost of the post being given to a genuine and bonafide candidate. It was submitted that such act is, in fact, not only against public interest, but a fraud on the system itself in which the Court ought not to show any leniency.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in view of the admitted position that the petitioner had obtained employment on the basis of forged and fabricated documents and that he drew salary for sixteen years, the Court is not inclined to allow the prayer for pre-arrest bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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