

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17400 of 2020**

Arising Out of PS. Case No.-124 Year-2019 Thana- DANDARI District- Begusarai

MD. ASRAF MANSURI Son of Md. Sarfuddin Mansuri @ Md. Sarfuddin
Resident of Mungeriganj (Sonar Patti Road), Ward No. -19, P.S. - Town,
District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 08-09-2020 Heard learned counsel for the petitioner and Mr. Ajay
Mishra, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Dandari P.S. Case No. 124 of 2019
registered for the offence under Sections 467, 468, 471, 420,
120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story the informant who is Police Inspector,
Vigilance Department has written to the Officer-in-Charge
Dandari Police Station, District – Begusarai stating that in light
of PIL bearing CWJC No. 15459/2014, the Department of
Vigilance has registered B.S. Case No. 08 of 2015, a team has
been constituted for verification of certificate of employed



teacher by district and commission level. It is alleged that during inquiry it has come that the certificate of the teachers present on the list is forged. So far as this petitioner is concerned, his name is among the teachers in the list. The allegation against him is that he had obtained only 477 marks in his Intermediate examination but had enclosed the Inter marksheet certificate showing 524 marks in Second Division.

Learned counsel submits that there is no basis for the informant to say that this petitioner had obtained only 477 marks. In this connection he has submitted that in course of investigation, in paragraph 23 of the case diary it has come that on the direction of the Sr. Police Officer, the Officer-In-Charge of Town P.S. Begusarai wrote a letter bearing Memo No. 1108/2019 to the S.B.S.S. College, Begusarai and call for the information with regard to the original marks obtained by the petitioner. The College replied vide letter no. 138 of 2019 and informed police that the marks obtained, as per page no. 82 serial no. 51 of the register is 524.

Learned counsel has further pointed out that in paragraph 44 of the case diary the investigating officer has recorded about the verification conducted with regard to the mark-sheet of this petitioner and once again it has been recorded



that the marks obtained by this petitioner is 524 on the basis of which the petitioner was appointed.

It is further submitted that the verification of the marks by the investigating officer has come out in favour of the petitioner.

Though learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but considering the kind of materials present in the case diary which have been brought to the notice of this Court by learned counsel for the petitioner, there being no prima-facie material for the present to take any other view, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Dandari P.S. Case No. 124 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or



indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

