

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26928 of 2020**

Arising Out of PS. Case No.-221 Year-2013 Thana- GAMAHARIYA District- Madhepura

KUMAR SANJAY PRATAP Son of Sri Bhagwat Prasad Yadav Resident of
Village - Nehalpatti, Ward No. 07, O.P.- Bharrahi, P.S.- Madhepura, District –
Madhepura. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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

2 25-11-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

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

The petitioner is serving as Principal in a middle school.
He is seeking pre-arrest bail in connection with Gamharia P.S. Case
No. 221 of 2013 registered for the offences punishable under
Sections 467, 468, 471, 419, 420, 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
prosecution story, the office of District Education Officer, Madhepura
was made available the name of students who were registered for the
annual secondary examination 2014. The allegation is that on the
basis of forged transfer certificates, the registration of the students
were done and the said list was provided to the District Education
Officer. It is alleged that the Government/Project Middle Schools



from where the registration forms (OMR) were received for appearance of the students in the annual secondary examination in the year 2014 are liable to be prosecuted.

Learned counsel submits that the registration forms were sent for annual examination 2014 from the Middle School Singon, Singheshwar, Madhepura. In this school the petitioner was posted as incharge Principal only for a brief period of i.e. from 04.05.2010 to 6.08.2012 and he has no role in sending of the registration forms of the students.

Learned counsel submits that out of 17 registration forms which were sent for annual examination 2014, one of the students' school leaving certificates was found forged, this fact had to be verified by the then Headmaster Md. Jamiiruddin who was sending the forms.

It is the submission of learned counsel for the petitioner that the petitioner had taken admission of students on 03.05.2012 and he had given charge of school on 06.08.2012 i.e. just after three months to the Principal Janardan Prasad Yadav. Learned counsel submits that under this circumstance the petitioner who is serving as a Teacher for the present cannot be held prima-facie guilty and he has already cooperated with the Police in course of investigation by appearing pursuant to the notice issued to him, his prayer for anticipatory bail deserves consideration.

Learned counsel clarified that in one of the paragraphs it



has been wrongly stated that after putting appearance before the Police, the petitioner had submitted bail bond. In fact the Police had not arrested the petitioner, therefore, there was no question of submission of bail bond rather the petitioner had appeared on notice and had submitted a bond.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner is a Headmaster of Middle School presently serving and he has been brought in the purview of this case because at one point of time he has served in the school as incharge Headmaster but it is evident from the materials on the record that the petitioner had not sent the registration forms of the said year 2014, otherwise he has got no criminal antecedent, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Ist, Madhepura in connection with Gamharia P.S. Case No. 221 of 2013, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

U		T	
---	--	---	--

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'.

