

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23895 of 2020

Arising Out of PS. Case No.-88 Year-2017 Thana- BHAGWANPUR District- Begusarai

ASHIK PASWAN @ ANSHIK PASWAN S/O Late Siyaram Paswan R/O
Village - Mukhtiyarpur, P.S. - Birpur, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THROUGH THE POLICE INSPECTOR,
VIGILANCE INVESTIGATION BUREAU, BIHAR, PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
case has been listed with defects.

Learned counsel for the petitioner undertakes to
remove the defect(s) within a period of four week of resumption of
court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the petitioner, the State and
Mr. Arvind Kumar, learned counsel for the Vigilance.

The petitioner is languishing in custody since
19.02.2020, in a case registered for the offences punishable under



Sections 467, 468, 471, 420 and 120B/34 of the IPC.

The prosecution case, as per the written report of Kanhaiya Lal, Inspector, Vigilance Investigation Bureau submitted to the S.H.O., Begusarai Police Station is to the effect that in pursuance to the order passed in C.W.J.C. No. 15459 of 2014, (Ranjit Pandit and Ors Vs. State of Bihar and Others), an enquiry was conducted by the Vigilance and it was found that seventeen persons including the petitioner has been appointed as a teacher on the basis of forged matriculation mark-sheet.

Learned counsel for the petitioner submits that the petitioner submitted the mark-sheet which was supplied to him by the Bihar School Examination Board and after due verification, the petitioner was appointed as teacher in year 2006 and now the petitioner has been terminated from service. Moreover, similarly situated co-accused persons, namely Indira Kumari, Ramhit Mahto, Shankar Prasad Singh and Arun Kumar Thakur have been granted anticipatory bail by different Co-ordinate benches of this Court, vide order dated 10.08.2018, passed in Cr. Misc. no. 39268 of 2018, vide order dated 04.07.2018, passed in Cr. Misc. No. 38747 of 2018, vide order dated 01.08.2018, passed in Cr. Misc. No. 43715 of 2018 and vide order dated 06.08.2018, passed in Cr. Misc. No. 44080 of 2018, respectively. A statement has been made in paragraph no.3



of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded and in the present situation, created due to pandemic, Covid-19, since the court proceeding is not functional in physical mode, there is no likelihood of trial being concluded in near future.

Learned APP for the Vigilance submits that the petitioner got himself appointed on the basis of forged matriculation mark-sheet.

Considering the fact that the investigation has already been concluded, period under custody, other similarly situated co-accused persons have been granted anticipatory bail by different Co-ordinate benches of this Court and the trial is not likely to be concluded due to the pandemic, Covid-19 coupled with statement made in paragraph no.3 of the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Bhagwanpur P.S. Case No. 88 of 2017.

However, in view of the present pandemic



COVID- 19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Bhagwanpur P.S. Case No. 88 of 2017.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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