

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26205 of 2020**

Arising Out of PS. Case No.-335 Year-2017 Thana- SONO District- Jamui

Md. Masum, Son of Md. Sabir Ahmad, Resident of Village - Sono, P.S.-  
Sono, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                    |
|--------------------|---|------------------------------------|
| For the Petitioner | : | Mr.Satya Prakash Parasar, Advocate |
| For the State      | : | Mr.Abhay Kumar, APP                |
| For the Vigilance  | : | Mr. Arvind Kumar, Advocate         |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      15-10-2020                      Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner is apprehending his arrest in connection with Sono P.S. Case No.335 of 2017 registered for the offence punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

It is submitted by the petitioner's counsel that one



P.I.L. arising out of CWJC No.15459 of 2014 has led to lodging of vigilance case regarding obtaining appointment on forged and fabricated certificates showing inflated marks.

It is the specific case of the petitioner as per the statement made in paragraph 13 of the petition that the petitioner has not submitted any such inflated mark-sheet/certificate and he has not even joined as a Teacher pursuant to the process of selection, for which the vigilance case has been lodged. It is submitted that the petitioner is not the beneficiary in the tainted process of selection and therefore he may be allowed the privilege of anticipatory bail.

Learned counsel for the Vigilance Mr. Arvind Kumar submits that the prayer of the petitioner may not be allowed without verification of this fact.

Considering the aforesaid submissions, this Court is inclined to allow the petitioner's prayer for anticipatory bail, subject to verification of the fact that the petitioner has not joined pursuant to the selection process, for which he may submit an affidavit.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jamui, in connection with Sono P.S. Case No.335 of 2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure and also subject to verification of the fact that the petitioner has not joined pursuant to the selection process as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

**(Madhuresh Prasad, J)**

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