

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68110 of 2019

Arising Out of PS. Case No.-254 Year-2018 Thana- CHANDAUTI District- Gaya

Surendra Mahto S/o Ramcharitra Mahto @ Ramcharitar Mahto Resident of Village- Sirh, P.S.- Atri, District- Gaya. At present Panchayat Sewak, Tankuppa Block, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Police Inspector, Vigilance Investigation Bureau, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Sinha
For the Opposite Party/s	:	Mr.Ajay Mishra, APP
For the Vigilance	:	Mr. Rana Vikram Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

6 15-09-2020 Heard Mr. Vikramdeo Singh, learned counsel appearing for the petitioner, Mr. Ajay Mishra, learned Additional Public Prosecutor for the State as well as Mr. Ran Vikram Singh, learned counsel for the Vigilance Investigation Bureau, Bihar, through video conferencing.

Petitioner apprehends his arrest in connection with Chandauti P.S. Case No. 254/2018 registered for the offences punishable under Sections 420, 468, 471 and 120B of the Indian Penal Code.

Admittedly, at the relevant time, the petitioner was working as Panchayat Secretary and from perusal of paragraph Nos. 17 and 18 of the written report, I find that petitioner is said



to have given 4 % - 6% more marks to Susmita Kiran and Nikki Kumari and as a result whereof they were appointed as teacher. Admittedly, there was a selection committee and the petitioner was one of the members of the aforesaid selection committee.

Learned counsel appearing for petitioner submits that even if prosecution case assumed to be true, then also, it is a case of wrong calculation of marks and, moreover, there is nothing on the entire case diary to show that petitioner and other given excess marks to the selected candidates. He, further, submits that if the petitioner has committed any wrong by calculating wrong marks of the selected candidates, petitioner may be made responsible for departmental proceeding but he cannot be prosecuted for criminal offence.

On the other hand, learned Additional Public Prosecutor as well as learned counsel appearing for Vigilance opposed the bail prayer submitting that in course of the investigation, sufficient materials have been collected.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be



released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya/concerned court in Chandauti P.S. Case No. 254/2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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