

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13565 of 2021**

Arising Out of PS. Case No.-697 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Amit Kumar Ambedkar, S/O Vanarsi Ravidas, R/O Village Harioan, P.S.-
BIHPUR, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

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

3 04-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rina
Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Kotwali (Adampur) P.S. Case No. 697 of 2016

registered for the offence punishable under Sections 409, 420,

467, 468, 471, 120(B) of the Indian Penal Code. He is in

custody since 02.10.2020.

The allegation against the petitioner is that he had

obtained the job of a school teacher in the Primary School,

Khathoun, Bhagalpur on the basis of a forged mark-sheet and a

forged caste certificate.

Learned counsel for the petitioner submits that the petitioner was not aware of the fact that the mark-sheet in his hand is a forged document. It is his further submission that co-accused Soni Kumari has been granted anticipatory bail in Cr. Misc. No. 12857 of 2017, Mina Kumari, Rakesh Kumar, Niranjana Kumar Das and Suresh Prasad Mandal have been granted anticipatory bail in Cr. Misc. No. 9850 of 2017 and some more accused have been granted bail which would be evident from Annexure '3 series'.

Learned counsel further submits that the petitioner has already been removed from his service and if granted an opportunity he would return the entire government money which he had received as salary other emoluments. In fact such submissions were made by some of the co-accused and taking note of that the learned coordinate Bench of this Court has granted them privilege of anticipatory bail.

By filing a supplementary affidavit, the petitioner has disclosed that he has received Rs. 1,61,000/-. Learned counsel prays for fixing some installments and submits that the petitioner would return the entire amount in twelve monthly installments.

Ms. Rina Sinha, learned A.P.P. for the State has submitted that in fact similarly situated accused have been

granted privilege of anticipatory bail which is evident from the various orders enclosed as Annexure '3' and that the petitioner is also ready to refund the entire amount.

Considering the facts and circumstances of the case as discussed hereinabove, this Court directs release of the petitioner above named 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 Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S. Case No. 697 of 2016, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that in terms of his submissions, while submitting the bail bond in the learned court below the petitioner shall deposit the first installment of Rs. 14,000/- as per the direction of the learned court below in appropriate account and he shall continue to do so every month within seven days of the beginning of the month. Breach of the condition shall invite action towards cancellation of bail of the petitioner.

It is, however, made clear that the deposit being made by the petitioner for purpose of grant of bail shall not prejudice his defence in course of trial.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(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'.