

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16576 of 2021**

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

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Jitendra Kumar Gupta @ Jitendra Gupta, aged about 46 years, (M) S/O
Prithwi Chandra Sah R/O Village-Hario, P.S.-Bihpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Through Vigilance Investigation Bureau, Bhagalpur Range
Bhagalpur, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Adv.

For the Opposite Party/s : Mr. Arvind Kumar, APP

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

3 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Kotwali (Adampur) PS Case
No. 697 of 2016 instituted for the offence under Sections
409,420,467,468, 471 and 120B of the Indian Penal Code.

The petitioner was, allegedly, appointed as a *Panchayat*
teacher on the basis of forged document and on enquiry the
documents were found to be forged.

Submission of the petitioner's counsel is that he has



already been terminated from service and is ready to refund emoluments received during his tenure as teacher in twelve equal monthly installments within a period of one year. The petitioner is in custody since 02.10.2020 though he has no criminal antecedents. Other similarly situated co-accused, namely, Soni Kumari, has been granted the privilege of anticipatory bail in Cr. Misc. No. 12857 of 2017.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Adampur) PS Case No. 697 of 2016, 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.

It is made clear that the petitioner shall refund the amount in twelve equal monthly installments within a period of one year, receipt of first refund shall be deposited at the time of furnishing bail bond. In the event of default, learned Court below would be at liberty to pass appropriate orders in accordance with law, which may include cancellation of bail granted to the petitioner.

(Madhuresh Prasad, J)

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