

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15826 of 2020

Arising Out of PS. Case No.-170 Year-2019 Thana- NAUTAN District- West Champaran

Pradeep Kumar Pandey, Son Of Jaynarayan Pandey Resident Of Village -
Bankat Narkatiya, P.S.- Paharpur, Dist.- East Champaran At Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh- Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2021 Heard Mr. Mukesh Kumar Singh, the learned
Advocate for the petitioner and Mr. Anuj Kumar Shrivastava,
the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Nautan P. S. Case No.170 of 2019, instituted for the offences under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

The accusation against the petitioner is of having obtained appointment as a teacher on the basis of forged certificate of intermediate and also by way of interpolation in the merit list with the connivance of the members of the appointment committee.

The learned Advocate for the petitioner has submitted that as on date, he stands terminated from service. He further



submits that he was appointed by the appointment committee after adopting all procedure in that regard. However, when new persons took over as *Mukhiya* and *Panchayat* Secretary, then, in an effort to get other candidates inducted in the service, this frivolous case has been filed.

Apart from this, it has been submitted that with respect to many other such appointments, it was observed by the High Court, Patna that in case those candidates resign from the service before a cut off date fixed by the Court, no criminal prosecution would be launched against them.

The learned Advocate for the State however has submitted that this cannot be a mitigating feature for the petitioner as he did not resign but was terminated from service.

Apart from this, it has been urged that because of the petitioner having taken part in the conspiracy for ousting meritorious candidates the offence of the I.P.C. for which he has been charged is squarely made out.

After having heard the counsel for the parties and taking into account the fact that the petitioner is no longer in service and that the accusations are still to be proved before a Court of law, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is



directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Nautan P. S. Case No.170 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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