

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17681 of 2020

Arising Out of PS. Case No.-109 Year-2015 Thana- VIGILANCE District- Patna

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Pandey Rishi Raj Son of Janardan Kumar Pandey Resident of Baikathpur, P.S.
- Khusrupur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar Through The Vigilance Department, Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binit Kumar, Advocate Mr. Subodh Kumar Upadhyay, Advocate Miss. Sandhya Kumari, Advocate
For the Vigilance	:	Mr. Rana Vikram Singh, Special P.P. Vigilance.
For the Opposite Party/s	:	Mr. Arvind Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 09-02-2021 Heard learned counsel for the petitioner, learned

counsel for the Vigilance Department and learned APP for the

State.

A supplementary affidavit is filed on behalf of the
petitioner. Let the same be taken on record.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Vigilance P.S.Case no. 109 of 2015, registered under
sections 420, 467, 468, 471, 477A, 192, 201 and 120B of the
Indian Penal Code and sections 13(2) read with 13(1) (d) of the
Prevention of Corruption Act.

As per allegation in the F.I.R., after an inquiry having



been conducted by the Vigilance Department pursuant to the order of this Court, it transpired that certificates brought on record in the writ application were forged and, as such, an F.I.R. has been registered against the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that pursuant to his application and participation for selection, the letter of appointment as a Panchayat teacher was issued to him in the year 2010. The petitioner worked as Panchayat teacher and on not being paid his dues, he joined others in moving this Court for payment of his arrears of his salary. It is further submitted that he has not filed any court papers, nor has he sworn the affidavit in the writ application which included his name. He has no criminal antecedent and his case stands on a similar footing to large number of other co-accused who have been enlarged on bail by different orders which have been brought on record as Annexure-3 series to the reply affidavit filed on behalf of the petitioner.

The application for bail is opposed by the learned counsel appearing for the Vigilance Department who submitted that initially, the Mukhiya filed a writ application for cancellation of the appointment of all illegally appointed



teachers. Subsequent to that, different writ applications have been filed by different persons claiming themselves to be teachers, for payment of salary. All the writ applications were clubbed together and on the direction of this Court, an inquiry was conducted by the Vigilance Department wherein it transpired that the petitioner had neither joined as teacher and the documents/certificates brought on record in the writ application were forged. Pursuant to the observation of this Court to take the matter to its logical conclusion, an F.I.R was filed by the Vigilance Department. It is further submitted that the order granting bail to the other co-accused does not support the petitioner herein as the complete facts of the case have not been considered in the said orders.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the petitioner not having sworn affidavit in the writ application wherein he was a party, not having been paid a single farthing by way of salary together with grant of bail to other co-accused, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Vigilance P.S. Case



no. 109 of 2015, he will be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Ist Patna, District – Patna, subject to the conditions as laid down under section 438(2) of Code of Criminal Procedure.

(Partha Sarthy, J)

B.Kr./-

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