

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25457 of 2021

Arising Out of PS. Case No.-351 Year-2019 Thana- BELHAR District- Banka

CHANDAN KUMAR, Son of Sunil Kumar Singh, Resident of Village -
Daulatpur, P.S. - Belhar, Distt.- Banka.

... .. Petitioner

Versus

The State of Bihar through the Vigilance Department, Bihar, Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Sinha, Advocate Mr. Sushil Jhunjhunwala, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2021 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 Mr. Arvind Kumar, learned Standing Counsel representing the Vigilance Investigation Bureau.

Petitioner in the present case is seeking regular bail in connection with Belhar P.S. Case No. 351 of 2019 registered for the offence punishable under Section 420, 467, 468, 471 and 120B of the Indian Penal Code. He is in custody since 14.12.2020. The petitioner has no criminal antecedent as stated in paragraph '3' of the petition.

As per the prosecution story, the petitioner and co-



accused were working as Panchayat Teachers on the basis of forged certificates which were obtained from Sanskrit Siksha Board, Patna. The F.I.R. has been lodged in the light of the order of this Court in C.W.J.C. No. 15459 of 2014.

Learned counsel for the petitioner submits that the petitioner has not committed any offence and he is ready to contest the matter as regards the allegation of forgery in the documents in course of trial. It is his further submission that the Bihar Sanskrit Siksha Board has not declared his marksheet as forged. It is further pointed out that as per order of the Hon'ble Division Bench of this Court in C.W.J.C. No. 15459 of 2014 a large number of similar kind of Panchayat Teachers were made to surrender and ultimately they got free from all type of allegations.

Learned counsel points out the various orders passed by learned coordinate Benches of this Court in similar kind of matters. The bail orders granted by learned coordinate Benches in at least six cases have been placed as Annexure '2' series.

Mr. Arvind Kumar, learned Standing Counsel representing the Vigilance Investigation Bureau has though opposed the prayer for regular bail of the petitioner but does not dispute that similarly situated accused persons have been



granted bail vide Annexure '2' series. Learned counsel, however, submits that the petitioner, if released on bail must cooperate in course of trial.

Considering the facts and circumstances of the case as also the uncontroverted submissions of learned counsel for the petitioner that the case of the petitioner stands on similar footing with the co-accused who have been granted bail, 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, Banka in connection with Belhar P.S. Case No. 351 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the petitioner shall cooperate in course of trial by attending the same on each and every date fixed in the matter. Two consecutive defaults in putting appearance before the learned trial court shall invite action towards cancellation of bail by the learned court below itself.

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.

(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'.

