

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25259 of 2020**

Arising Out of PS. Case No.-143 Year-2019 Thana- BISHANPUR CHOWK District-  
Darbhanga

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1. Vijay Kumar Rai @ Bijay Kumar Rai, Male, aged about 36 years, Son of Sitaram Rai, Resident of Village and P.O.- Malpur, P.S.- Patepur, District- Vaishali.
  2. Dinesh Kumar Sah, Male, aged about 56 years, Son of Yogeshwar Sah, Resident of Village and P.O.- Katra, P.S.- Katra, District- Muzaffarpur.
  3. Mamta Kumari, Female, aged about 41 years, Daughter of Radheshyam Mahato, Wife of Avinash Kumar, Resident of Village- Milki, P.O.- Ladaura Dargah, P.S.- Kalyanpur, District- Samastipur.
  4. Sarita Kumari, Female, aged about 47 years, Daughter of Lalit Kumar Jha, Wife of Uday Kant Jha, Resident of Village- Milki, P.O.- Ladaura Dargah, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioners

Versus

1. The State of Bihar.
2. The State Vigilance Bureau, Patna.

... .. Opposite Parties

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**Appearance :**

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| For the Petitioners | : | Mr. Nawal Kishore Agrawal, Sr. Advocate and Mr. Amish Kumar, Advocate. |
| For the State       | : | Mr. Mukeshwar Dayal, A.P.P.                                            |
| For the O.P. No. 2  | : | Mr. Arvind Kumar, Advocate.                                            |

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

11    07-07-2021                      A supplementary affidavit filed on behalf of the  
petitioners. Let it be kept on the record.

In light of the supplementary affidavit, the defects, as  
pointed out by the office, is ignored.

Heard learned senior counsel for the petitioners,



learned counsel for the opposite party no. 2 and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 420, 467, 468, 471, 120(B) of the I.P.C.

The prosecution story, in brief, is that in pursuance of the order of the Hon'ble High Court, Patna, passed in C.W.J.C. No. 15459 of 2014 (Ranjit Pandit & Ors. Vs. The State of Bihar), the Vigilance Department, Government of Bihar, Patna, undertook certificate verification operation of contractual teachers appointed at the Block level. The informant was deputed in the district of Darbhanga for verification of the certificates and credentials of the teachers appointed on contractual basis within the district of Darbhanga. In the course of investigation and inspection, the informant, who is an Inspector in the Vigilance Department, discovered that the petitioners had appeared in the Bihar Elementary Teachers Eligibility Test held in the year 2011 bearing Roll Numbers 3709110464, 0944110166, 3044110268, 0925111235 etc. In the said examination, the petitioners allegedly did not secure the minimum pass marks and were therefore declared disqualified. It has been further alleged by the informant that the petitioners



by unfair means and resorting to manipulation, fraudulently obtained a forged and fabricated Mark-sheet of the Bihar Elementary Teachers Eligibility Test, 2011, issued by the Bihar School Examination Board in which petitioners have been represented to have secured pass marks and have been declared to have qualified in the examination. On the basis of the aforesaid forged Mark-Sheet, they were allegedly appointed as a Primary Teachers in different Blocks within the district of Darbhanga by the order of Block Development Officer, Darbhanga. They took charge of their offices and had been drawing their salary since the date of their appointment. On verification of the aforesaid Mark-Sheets submitted by the petitioners at the time of their appointment, it was found that no such Mark-Sheet had been issued by the Bihar School Examination Board and that the mark-sheets furnished by the petitioners were forged and fabricated. It has been alleged by the informant that the petitioners had fraudulently cheated the government on the basis of forged and fabricated documents and had misappropriated the government money by way of their salary. Hence, the F.I.R.

It has been submitted by learned senior counsel for the petitioners that the petitioner nos. 3 and 4 have got no



criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The petitioners have no knowledge that the certificate in question is fake one. It has further been submitted by learned senior counsel for the petitioners that the petitioners have been discharging their duties and responsibilities for seven years without any complaint against them.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Darbhanga, in connection with Bishanpur P.S. Case No. 143 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only



each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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