

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77437 of 2019

Arising Out of PS. Case No.-381 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

1. Rohit Kumar, Son of Ramesh Singh, Resident of Village-Laharpa, P.O-Agion (G), P.S-Garhni, District-Bhojpur.
2. Yogeshwar Singh, Son of Ram Pravesh Singh, Resident of Village-Laharpa, P.O-Agion(G), P.S-Garhni, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate.

For the Opposite Party/s : Mr.Ajay Mishra (APP)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 27-04-2021 Heard learned counsel for the petitioners and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Udwant Nagar P.S. Case No. 381 of 2018, registered under Sections 409 and 420 of the Indian Penal Code.

On the basis of letter no. 456 dated 03.10.2018 of the District Education Officer, Bhojpur, addressed to the SHO, Udwant Nagar Police Station, Udwant Nagar P.S. Case No. 381 of 2018 was instituted against 10 primary teachers including both petitioners regarding obtaining the job of primary teachers by committing forgery and drawing the salary.

Learned counsel for the petitioners submits that, in fact, both petitioners, namely, Rohit Kumar and Yogeshwar Singh, were appointed as Panchayat Teachers for Primary School, Jaynagar and



Middle School, Sarthua, vide order dated 02.02.2006 issued by the office of Gram Panchayat Raj, Sarthua (Udwant Nagar) signed by the Mukhiya and Secretary of the said Gram Panchayat and copy of the same was sent to both petitioners vide memo no. 02 dated 02.02.2006, which would appear from Annexure 2 to the petition. Accordingly, petitioner no.1, Rohit Kumar, joined as Primary Teacher at Primary School Jaynagar on 10.02.2006 by submitting an application in the name of Headmaster, Primary School, Jaynagar, which would appear from annexure 3 of the petition and similarly, petitioner no. 2, Yogeshwar Singh, also joined as Panchayat Teacher in Middle School, Sarthua by submitting an application in the name of Headmaster, Middle School, Sarthua on 10.02.2006 which would appear from annexure 3 of the petition and later on, fixation of their salary was also made. It is indicated in the list issued by the Block Education Officer, Udwantnagar that the name of both petitioners are at serial nos. 10 and 12 but the name of both petitioners do not found place in the employment register and after knowing about lodging the present case, both petitioners submitted an application attached with appointment letters before the the Superintendent of Police, Bhojpur, and made prayer for inquiry, which would appear from paragraphs 46 and 49 of the case diary. Further submission is that due to personal problem, petitioner no.1, Rohit Kumar, has submitted his resignation before the Block Education Officer, Udwant Nagar on 04.07.2017. Further submission is that due to non-availability of the files and



folders of newly appointed Panchayat Teachers by the Secretary of the respected Gram Panchayat, the present case has been lodged, while there is no allegation against both petitioners to submit forged and fabricated documents for appointment of Panchayat Teachers.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara, in connection with Udwant Nagar P.S. Case No. 381 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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