

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10677 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- DARIYAPUR District- Saran

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Gauri Shanker Prasad @ Gauri Shankar Prasad S/o Sheo Parsi Prasad Ray @ Shiva Parshi Ray R/o Mohalla- Dighghikala West (Vikash Nagar, 54 AC Gumti), P.S.- Hajipur Sadar, Dist- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Police Inspector, Vigilance, Investigation Bureau, Patna cum A. I.O., Niyojit teacher, Saran at Chapra, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rina Sinha, Adv.
For the Opposite Party/s : Mr. Ajay Mishra, APP
For the Vigilance Department: Mr. Rana Vikram Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

17 21-06-2021 Heard learned counsel for the petitioner and Mr. Rana Vikram Singh for the Vigilance Department through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Dariyapur P.S. Case No. 286 of 2019 registered under sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

As per allegation in the F.I.R, an enquiry was conducted with respect to the appointed 'Niyojit' teachers. It is stated that on enquiry with respect to the petitioner it transpired that he had obtained his appointment on the basis of a forged certificate purportedly issued by the Board.



It is submitted by learned counsel for the petitioner that the allegations as levelled against the petitioner are false and concocted. He has not manipulated/forged any certificate but produced the certificate which he received from the Board. It is further submitted that a number of similarly situated persons have been enlarged on bail. The petitioner has no criminal antecedent. A further supplementary affidavit has been filed today and a copy of the same has been provided to the Court Master through electronic means. Referring to the same it is submitted that the petitioner has been dismissed from service and although the order has not been received by him, the copy of the order has been communicated to the school where the petitioner was working. On account of his dismissal the petitioner is no longer working as a Niyojit teacher.

The application for bail is opposed by learned counsel appearing for the Vigilance Department. It is submitted that not only the petitioner is named in the F.I.R., but pursuant to the direction of this Court passed in C.W.J.C.no.15459 of 2014, the Inspector of CID, Saran made enquiries in the case wherein it transpired that the petitioner had got appointed as a contractual teacher by producing a fake marksheet which contained overwriting on the marks. On further enquiry from the office of



the Bihar School Examination Board, Patna, the use of fake marksheet by the petitioner was confirmed. It is submitted that it is not a case for grant of anticipatory bail to the petitioner and the same be rejected.

Having heard learned counsel for the parties and on going through the materials on record, taking into consideration the nature of allegations, the petitioner not having any criminal antecedent and especially the contents of the last affidavit wherein it is has been stated that the petitioner has been dismissed from service and is no longer working as a Niyojit teacher pursuant to the said dismissal, 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 Dariyapur P.S. Case No. 286 of 2019, 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 Chief Judicial Magistrate, Saran at Chapra subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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