

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2789 of 2022

Arising Out of PS. Case No.-97 Year-2013 Thana- SHANKARPUR District- Madhepura

Upendra Kumar Nirala S/O Late Deo Narayan Yadav R/O Village- Kabiyaahi,
P.S.- Shankarpur, District- Madhepura (the Then Headmaster, Rajyakrit
Madhya Vidyalaya, Kabiyaahi, P.S. And Distt.- Madhepura)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 468
and 471/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent, who is a retired
Headmaster and the informant (B.E.O.) alleges that during
inquiry, it came to light that Headmaster of Kari Anant High
School, Madheli Bazar took enrollment on the basis of issuance
of 07 forged School Leaving Certificate (S.L.C.) and the
Headmaster of Sri Gore Lal High School, Kabiyaahi took
enrollment on the basis of issuance of 19 forged S.L.C.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the petitioner now, has returned and when this F.I.R. was instituted, the petitioner was in service. It is next submitted that since the petitioner was in service when such allegation came to be alleged, then the authorities before instituting an F.I.R. ought to have issued show-cause to the petitioner taking his explanation. It is next submitted that it was not part of the duty of the petitioner for getting the S.L.C. verified. It is submitted that it was the duty of the Executive Authorities of the District to get the S.L.C. verified. It is further submitted that it appears that the Executive Authorities failed in their duty, as such, in order to cover up their own inability has instituted the present case.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Court below where the case is pending in connection with Shankarpur P. S. Case No.97 of 2013, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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