

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.238 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

1. RAHUL KUMAR son of MRITUNJAY PRASAD PANDEY @ PANDEY MRITUNJAY PRASAD Resident of village-Padhauti, P.S.-Bhagwanpur, District-Kaimur (Bhabua)
2. Radha Lakshmi D/o Mritunjay Prasad @ Pandey Mritunjay Prasad Resident of village-Padhauti, P.S.-Bhagwanpur, District-Kaimur (Bhabua)
3. Seema Kumari D/o Ram Avtar Singh Resident of village-Bandipur, P.S.-Ramgarh, District-Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15967 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

1. SHAMBHU SINGH YADAV S/O RAMJEE SINGH YADAV R/O VILLAGE SURAHA, P.S-CHAND, DISTRICT-KAIMUR AT BHABUA.
2. HARENDRA KUMAR S/O RAM JANAM SINGH R/O VILLAGE DIGHAR, P.S-ADHAURA, DISTRICT-KAIMUR AT BHABUA.
3. SANTOSH KUMAR SINGH S/O MUSAFIR SINGH R/O VILLAGE-KASER, P.S-BHAGWANPUR, DISTRICT-KAIMUR AT BHABUA.
4. PREM PRATAP SINGH S/O BRAJ MOHAN SINGH R/O VILLAGE RADHAKHAR, P.S-BHAGWANPUR, DISTRICT-KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21427 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

1. RAJIV RANJAN SINGH S/O RAMCHANDRA SINGH R/O BHABHUA, WARD NO.1 (G.D.), POLICE STATION-BHAGWANPUR, DISTRICT-KAIMUR
2. TARAMUNI KUMARI D/O RAM KESHWAR SINGH, W/O DHARMENDRA KUMAR SINGH R/O VILLAGE-PALI SAWAR, P.S.-SAWAR



(RAMPUR), DISTRICT-KAIMUR.

3. KUMARI KANAKLATA W/O JAINENDRA KUMAR SINGH R/O VIL-LAGE-PARMALPUR, P.S.-BHAGWANPUR, DISTRICT-KAIMUR.
4. VIJAY KUMAR SINGH S/O RAMNARESH SINGH R/O VILLAGE-KAMHARI, P.S.-BHAGWANPUR, DISTRICT-KAIMUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22291 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

ANIL KUMAR JAISWAL Son of Radha Raman Jaiswal Resident of - Hata Chainpur, P.S.- Chainpur, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40025 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

1. HIMANSHU KUMAR Son of Ghanshyam Singh Resident of Azad Nagar, Ward No.12 (Old), Police Station- Bhagwanpur, District- Kaimur.
2. Nitu Kumari Daughter of Suresh Singh, Wife of Ashutosh Kumar Resident of Village- Keser, Bhagwanpur, Police Station- Bhagwanpur, District- Kaimur.
3. Renu Kumari Daughter of Saroj Singh, Wife of Santosh Kumar Singh Resident of Village- Kaser, Bhagwanpur, Police Station- Bhagwanpur, District- Kaimur.
4. Sita Kumari Daughter of Krishna Kumar Singh, Wife of Bipin Kumar Singh Resident of Village- Bhuifore, Aghaura, Police Station- Bhagwanpur, District- Kaimur.
5. Bindhpriya Usha Yadav @ Bindhpriya Usha Yadavan Daughter of Ram Prit Singh Resident of Village- Lohra Aghaura, Police Station- Bhagwanpur, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42627 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- ADHAOURA District- Kaimur (Bhabua)

PUNITA KUMARI D/o Vindhyachal Tiwary R/o Vill- Kataura, P.S.- Sonhan, Distt- Kaimur at Bhabua at Present residing with her husband Namely Vishnu Kumar Mishra, R/o Vill- Padhauti Ward No.8, P.S.- Bhagwanpur, Distt- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 238 of 2021)

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/ : Mr. Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 15967 of 2021)

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/ : Mr.Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 21427 of 2021)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/ : Mr.Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 22291 of 2021)

For the Petitioner/s : Mr.Rajeev Shekhar

For the Opposite Party/ : Mr.Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 40025 of 2021)

For the Petitioner/s : Mr.Rajeev Shekhar

For the Opposite Party/ : Mr.Ajay Mishra

(In CRIMINAL MISCELLANEOUS No. 42627 of 2021)

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/ : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

9 24-02-2022 Learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as Mr. Ajay Mishra, learned APP for the State.

The petitioners apprehend their arrest in connection with



Adhaura P.S. Case No. 49 of 2020, registered for the offences punishable under Sections 419, 420, 467, 468, 471 of the Indian Penal Code.

The present FIR has been lodged by the B.E.O. Adhaura, Kaimur on 08.07.2020 against 23 Block Teachers including the petitioners mentioning therein that these Block Teachers have obtained employment by making forgery in the documents.

Learned counsels for the petitioners have submitted that they applied for the post of Block Teachers against the vacancies of the year, 2008. Since an inordinate delay was caused in their recruitment, they approached the appellate authority and the recruitment was made in pursuance of the order of the District Appellate Authority. They have submitted further that despite the fact that they were working, the administration had held up their salaries and one of the teachers preferred CWJC 1196 of 2019 and vide order dated 23.01.2019, this Court directed the District Education Officer to make the payment of salary to the petitioner and produce the cheque for the outstanding amount, failing which contempt proceedings could be initiated against the District Education Officer, Kaimur for disobedience of that order.

Similarly, petitioner, Rahul Kumar, has also approached this Court with a prayer of payment of salary and in CWJC 1862 of 2020 vide order dated 05.03.2020, this Court directed Block Education Officer to make the payment of salary of the petitioner and it



was also observed that Block Education Officer will draw his salary only after payment of the salary to the petitioner, Rahul Kumar.

Learned counsels for the petitioners have further submitted that after passing these orders of payment of the salary the District Education Officer became offended and thereafter the administration lodged the present case with the allegation that the petitioners have got employment on the basis of forged documents.

Mr. Ajay Mishra, learned A.P.P. has submitted that a two-members committee has been constituted to enquire into the entire matter consisting of Senior Deputy Collector, Kaimur and DCLR, Bhabua and this two-members committee submitted its report on 11.06.2020 and it has emerged in the report of the committee that in application forms the serial numbers were not tallied, the original form in respect of any candidate was not found and it has also been mentioned in that report that more teachers were appointed in relation to the vacancy.

Learned APP has also submitted that the order of District Appellate Authority has been challenged and the matter is *sub judice* in the State Appellate Authority.

It appears that the FIR has been lodged after the order of the payment of the salary to the Block Teachers including the petitioners and the question of the legality of their the appointment is still under challenge before the State Appellate Authority.

The District Appellate Authority vide order dated



23.07.2018 issued a direction for joining of the candidates and has also observed that if the appointment of the teachers is found forged then the appointing authority have a right to get the appointments annulled, and for the annulment an appeal is *sub judice* before the State Appellate Authority.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, Kaimur at Bhabua in connection with Adhaura P.S. Case No. 49 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C. with further condition that they shall fully cooperate with the investigating authority and if it comes to the notice of the court below that any kind of evasion is being made in cooperating with the investigating authority, the court below shall be at liberty to pass appropriate orders including the cancellation of bail bonds of the petitioners.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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