

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11934 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- HARLAKHI District- Madhubani

VISHAL KUMAR Son of Ram Chandara Prasad Yadav Resident of Village-
Champa, P.S. - Arer, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Sanskrit Shiksha Board, Bihar, Patna. Bihar, Patna.
3. The Bihar School Examination Board, Bihar, Patna. Bihar, Patna.
4. The Vigilance Investigating Bureau Bihar, Patna. Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Ravi Prakash, Advocate
For the Vigilance	:	Mr. Arbind Kumar, Advocate
For the B.S.E.B	:	Mr. Gyan Shankar, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-03-2022 Heard learned counsel appearing on behalf of the

petitioner, learned counsel for the Vigilance, learned counsel for

BSEB and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with

Harlakhi P.S. Case No. 167 of 2020, for the offence punishable

under Sections 420, 467, 468, 471 and 120(B) of the Indian

Penal Code.

The prosecution story, in brief, is that petitioner was

employed as Panchayat teacher on the basis of forged Madhyma



certificate granted by Bihar Sanskrit Siksha Board, Patna and he served for more than ten years. As per the direction of this Court in P.I.L C.W.J.C. No. 15459 of 2014, Vigilance has made a thorough investigation and in course of the same, the marksheet on which basis the petitioner got employment was found to be forged.

Learned counsel appearing on behalf of the petitioner submits that the allegation made in the F.I.R. is not sustainable as the petitioner was selected on the basis of matriculation certificate in which he had secured third division in the annual examination held in the year 2008 and as such there is no question of his being appointed by using fake Madhyma certificate, which relates to some other person. The petitioner is in custody since 27.03.2021 and has validly worked on the basis of genuine matriculation certificate duly issued by Bihar School Examination Board, Patna and as such prima facie, no case is made out against the petitioner. The petitioner be released on bail on any condition as imposed by this Court.

Learned Special P.P. appearing for the Vigilance has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner has gained by being employed as Panchayat teacher and he is liable to return back the entire amount of



salary, which has been paid to him for nearly 12 years.

Considering the facts that the petitioner had appeared in the matriculation examination and was declared pass in third division other co-accused persons against whom similar allegations have been made have already been enlarged on bail by a co-ordinate Bench of this Court. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-II, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 167 of 2020, subject to verifying the very fact that whether the petitioner had appeared in the matriculation examination and was declared pass in third division, as well as subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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