

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24458 of 2021

Arising Out of PS. Case No.-328 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Harish Chandra Kumar @ Harichandra Kumar S/O Hira Lal Ram R/O
Village-Beldarwa, P.S.-Adapur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Adv.
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-05-2022 Heard Mr. Pramod Kumar Pandey, learned advocate
for the petitioner.

On finding that some of the cases of similar nature
have been investigated by the Vigilance Department of the
Government of Bihar, this Court had requested Mr. Anil Singh,
learned counsel for the Vigilance, to assist this Court in the
matter.

The petitioner seeks bail in anticipation of his arrest in
connection with Ghorasahan (Lakhaura) P.S. Case No. 328 of
2019 dated 23.08.2019 instituted for the offences under Sections
420, 467, 468, 471 of the Indian Penal Code.

The petitioner is said to have obtained his
appointment on a forged and fabricated TET certificate.



Learned counsel for the petitioner has submitted that several persons with similar accusation were made accused in cases in which they have been granted bail, taking into account that their services had been terminated. He has further submitted that he disputes the accusation of the TET certificate being forged and fabricated. Such assumption has been made only on account of mismatch in the record.

Be that as it may, it has been urged that it is a matter of trial and the petitioner ought not to be sent to jail, more so when he has lost his job and is ready to participate in the investigation or the trial whatever the case may be.

Mr. Anil Singh, learned counsel for the Vigilance however has drawn attention of this Court towards the fact that some of the accused persons with similar accusation though have been granted bail but only after their deposit of the salary which they had received.

This Court is afraid, such an order cannot be passed in the case of the petitioner for the reason that the petitioner now has to face trial for the charge and such process could be undertaken only after he is found guilty.

Considering the nature of accusation and taking into account that the petitioner is no longer in service, he is directed



to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-3, Sikrahana, Motihari in connection with Ghorasahan (Lakhaura) P.S. Case No. 328 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioner is cautioned that should he show any vacillation in participating in the investigation or in the trial, if the case goes to trial, it would be open for the investigator to move the court below for cancellation of his anticipatory bail.

(Ashutosh Kumar, J)

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