

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14464 of 2022

Arising Out of PS. Case No.-523 Year-2020 Thana- BHAGWAN BAZAR District- Saran

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Vinay Kumar Tiwary, S/O Sri Raj Narayan Tiwary R/O Village- Lalapur,
P.O.- Parsa, Via- Parsa, P.S.- Parsa, District- Saran. Pin- 841219

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Kant Singh
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2022 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 420,
467, 468 and 471 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that the petitioner after committing forgery in the Letter
No.70 dated 13.06.2020 issued by the informant, submitted the
same in the Directorate. It is next alleged that petitioner was
contesting before this Court seeking absorption of his service
and had also filed a contempt petition. Further alleges that
petitioner contends that the committee had recommended his
case for absorption, but the informant manipulated the



recommendation. On inquiry, it was found that the committee has not recommended his candidature.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that petitioner had moved this Court by filing CWJC No.314 of 2012, which was disposed of by order dated 16.01.2017 with a direction to the respondent to decide the claim of the petitioner in terms of the order dated 26.02.2016 in S.L.A. (C) No.32079 of 2015 passed by the Hon'ble Supreme Court. The learned counsel submits that petitioner was appointed as an Instructor in Mass Education, but the said post came to be abolished and accordingly, people similarly situated like petitioner had moved this Court by filing writ petition seeking absorption in other departments and the said writ application was disposed of with a direction to consider their cases, but the matter ultimately reached before the Hon'ble Supreme Court wherein Hon'ble Supreme Court had directed that only those persons would be eligible for consideration whose cases were pending in the High Court as on date. The learned counsel submits that the allegation in the present F.I.R. is that the petitioner committed forgery in Letter No.70 dated 13.06.2020 issued by the informant by falsely getting his name



recorded in the letter that his case also has been recommended by the committee constituted for considering the case of absorption of Instructors. The learned counsel submits that letter no.70 dated 13.06.2020 did include the name of the petitioner, but when the same was sent to the department before the Director, Mass Education, the same was orally objected by the Director as the department was aggrieved by the conduct of the petitioner that he has moved the Court for seeking relief. It is next submitted that based on oral direction, the name of the petitioner was struck off from letter no.70 dated 13.06.2020, on which the petitioner by Annexure-3 objected by his letter dated 20.08.2020, which form part of the F.I.R. itself. The learned counsel thus submits that his name was recommended, it was added in the letter, but when it was objected by the department, his name was struck off and then the same letter no.70 dated 13.06.2020 was reissued including the name of one Nagendra Singh instead of the petitioner.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Be that as it may, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhagwan Bazar P. S. Case No.523 of 2020, 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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