

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20654 of 2020

Arising Out of PS. Case No.-47 Year-2003 Thana- GURARU District- Gaya

Pratap Narayan Mishra, Son of Late Visnudat Mishra, Resident of Mohalla-
Dakhin Darwaza Chand Chaura, P.S.- Civil Line, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar Singh, Advocate
		Mr. Anil Kumar Saxena, Advocate
For the Opposite Party/s :		Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

23 02-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Narendra Kumar Singh, learned counsel for the petitioner, Mr. Ram Bilash Roy Raman, learned APP for the State.

The petitioner seeks regular bail, who is made accused in connection with Guraru P.S. Case No. 47 of 2003 registered for the offences punishable under Sections 409, 419, 420 of the Indian Penal Code.

The prosecution case is based on a written report filed by the incharge headmaster of High School Devkali, Gaya alleging therein that the petitioner as being junior teacher of



High School, Devkali, Gaya, he declared himself as the acting Headmaster of the said High School on the transfer of the then Head Master of that high school, namely Mahadeo Sharan Indu. It is also alleged that the petitioner had taken the important registers of the school to his house and started working as acting Head Master of the school and he has also got appointed some teachers in the school on the forged documents, who were not even performing their duties. When the informant joined as acting Headmaster of the High School, the petitioner along with other fake teachers started absconding. It is further alleged that pursuant to the letter issued by the Director, Secondary Education, Patna, the F.I.R. has been instituted.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was duly appointed as an Assistant Teacher pursuant to the order issued by the Director, Secondary Education, Bihar as contained in Memo No. 76 dated 15.02.1990 after verification of all his educational certificates, inasmuch as the petitioner had a brilliant academic career, as he stood first class in all the Matriculation, BA and MA examinations. It is next submitted that without making verification of the genuineness of academic certificates, the allegation of appointment being forged or on the basis of forged



certificate is not sustainable. It is next submitted that in fact after transfer of the then Head Master, the petitioner was authorized to discharge his duty as an acting Head Master in the school, in question, vide Memo No. 1193 dated 18.08.1998. It is also submitted that the allegation with regard to keeping all the registers and concerned papers of the school in the residence of the petitioner is also palpably false, as vide letter no. 63/2000, dated 26.12.2000, on a petition filed by the petitioner the Deputy Director of Education, Magadh Division, Gaya allowed the petitioner to keep the attendance registers and concerned papers of the school along with him in his residence. It is also submitted that the allegation with regard to occupying the post of acting Head Master forcefully is also baseless in view of the letter issued by the Regional Deputy Director of Education, Gaya as contained in letter no. 24 dated 02.01.2002 (Annexure-9 to the supplementary affidavit). It is next submitted that even from the perusal of the service book of the petitioner, it would appear that the service of the petitioner while working as incharge Head Master of the school, in question, was approved and has been said to be discharged efficiently by the Regional Deputy Director of Education, Magadh Deivision, Gaya. It is next submitted that none of the persons, named in the F.I.R.,



whose appointment is said to be forged, were appointed by the petitioner during his working period, as incharge Head Master from 16.07.1998 to 21.12.2001. It is lastly submitted that prior to the institution of this case, this petitioner had filed a complaint case against the informant and other persons, who are now the witnesses of this case, bearing Complaint Case No. 421 of 2002 and the learned court below took cognizance of the offence and summons were issued and the present case is nothing, but to the counter blast of the case filed by the petitioner.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation ample material has come and the witnesses have also supported the prosecution case and charge-sheet has been submitted.

In view of the aforesaid submissions made on behalf of the petitioner and also considering the fact that the petitioner was discharging the work of acting Head Master pursuant to the direction of higher authorities and, prima facie, the matter appears to be a case of departmental irregularity, the provisional bail granted to the petitioner vide order dated 22.12.2020 is hereby confirmed on the aforesaid terms and conditions along



with further conditions:

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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