

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26187 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- KUTUMBA District- Aurangabad

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SANJAY RAM Son of Lakshaman Ram Resident of Village - Narendrakhap,
P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The case has been registered by the vigilance under
Sections 420, 467, 468, 471 and 120B of the Indian Penal Code
in connection with Kutumba P.S. Case No. 202 of 2021.

The FIR has been lodged alleging that following the
order passed by the Patna High Court in CWJC No. 15459 of
2014, all the documents submitted by the Panchayat Teachers
were subjected to verification. The petitioner, a Panchayat
Teacher has submitted his matric certificate showing his Roll
Code-8382, Roll No. 537, Year 1991(A), marks obtained 529,



2nd Division and Date of Birth 10.01.1975. It was issued by the Bihar School Examination Board, Patna (henceforth for short 'the Board', the same was accordingly sent for verification to 'the Board' and as per the report by the said Sanjay Ram with the aforesaid Roll Code-8382, Roll No. 537 and Year 1991(A) had actually secured 427 marks. As such, the Board stated that it is a forged document.

Accordingly, upon confirmation that the petitioner had submitted forged mark sheet increasing his marks from 427 to 529 and on the basis thereof, he got employment, the FIR was lodged.

Learned counsel for the petitioner took this Court to the guidelines to show that there was no occasion to increase the marks as that time only matriculation certificate was required. However a bare perusal of the said guideline itself shows that from those who have matriculation certificate, the candidate having higher marks will be selected. The document that the petitioner has submitted before the concerned Selection Committee is part of the FIR, which clearly shows that Sanjay Ram, son of Laxman Ram, having date of birth 10.01.1975 had shown his marks secured as 529 which formed the basis for him to remain on amongst the top candidates and thus secure



employment.

Learned counsel for the petitioner failed to satisfy about the presence of the said merit list in which the marks secured by the petitioner is not 427 rather 529 which led to the Vigilance filing the case in hand after verification from 'the Board'.

However, considering the fact that he has no criminal antecedent, petitioner is in custody since 05.03.2022 (as stated in paragraph-5 of the bail application), the charge sheet stands submitted and ultimately for the forgery that he has allegedly done, he has to face the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S. Case No. 202 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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