

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26564 of 2022

Arising Out of PS. Case No.-140 Year-2021 Thana- HASANGANJ District- Katihar

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Suman Kumar S/o Late Vigeshwar Kumar Mochi R/o Mohalla- Durgapur
Laliyahi, P.S.- Katihar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Department, Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Vigilance	:	Mr. Rana Vikram Singh, Spl.P.P. Vigilance
For State	:	Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-11-2022 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Vigilance Department.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 467,
468, 471 and 120(B) of the Indian Penal Code.

According to the prosecution case, the petitioner
was discharging his duties as a panchayat teacher and he has no
knowledge about the forged and fabricated certificate as well as
marksheet.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that he got the compassionate appointment and has submitted all the educational certificates along with the certificate in question before the concerned authority and after verifying the same, the petitioner has got the compassionate appointment. He further submits that pursuant to the order passed in C.W.J.C. No. 15459 of 2014 the vigilance enquiry no. BS-08 of 2015 was setup for verifying all the educational certificate and abruptly committed the selection process. He further submits that the petitioner has not participated in selection process and he got the compassionate appointment on the basis of certificate submitted before the authority concerned.

The learned counsel for the vigilance department has vehemently opposed the prayer for bail of the petitioner and submits that the certificate of the petitioner has found false and fabricated.

Learned counsel for the petitioner submits that the authority after verifying the same has appointed the petitioner on the compassionate ground and submits that the erstwhile Bihar Intermediate Education Counsel has issued the college leaving certificate in favour of the petitioner. He further submits



that the same was not in question by any authority.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Hasanganj P.S. Case No. 140 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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