

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41535 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- BHORE District- Gopalganj

Paras Nath Singh, Son of Late Indradeo Singh, Resident of Village-
Jagdishpur Kothi, Post- Kilpur, P.S.- Nautan and District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 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. Rama Nand Poddar, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner is apprehending his arrest in connection
with Bhore P.S. Case No. 65 of 2020 for the offences punishable
under Sections 420, 406, 467 and 468 of the Indian Penal Code.

As per prosecution case, in sum and substance, it is
alleged that this petitioner got his service on the post of peon in
the Department of Water Resources, Saran Canal Division, on
the basis of forged certificate and withdrawn Rs.30,41,035/-
from 14.06.2002 to 31.12.2019 by way of salary and in this way



the petitioner committed fraud with the Department and the State.

At the outset, learned counsel for the petitioner submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was duly appointed on compassionate ground vide Annexure-2 to this application and at the time of issuance of the letter it has been made clear that the name of the petitioner has been recommended by the District Compassionate Appointment Committee after proper verification of the certificate and further by the said letter it has been made clear that his appointment was to be made after verification of the educational qualifications and thereafter the same has been done and he was duly appointed way back in the year 2002 itself. It is further submitted that after verification of educational certificate his services was confirmed vide letter no. 6145 dated 10.12.2003 and moreover he has completed 18 years of his service, inasmuch, as during his service period he has also passed his Matriculation examination. It is also submitted that on being found his certificate forged, the department has initiated a



proceeding against him and he was terminated from service, which is challenged by this petitioner by filing a writ petition and the same is pending consideration before this Hon'ble Court.

On the other hand, learned APP for the State opposes the bail application and submits that the certificate, on the basis of which the petitioner secured his appointment, has been found to be forged and as such he does not deserve the privilege of anticipatory bail. However, learned counsel for the State fairly submits that the matter with regard to the termination of service of the petitioner is pending consideration before this Court.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was appointed on the recommendation of the District Compassionate Appointment Committee and his appointment has been made after verification of educational certificate and he has completed more than 18 years of service, apart from the fact that his service has been confirmed by the department itself and the matter with regard to the termination of the petitioner is pending consideration before this Court in a writ petition, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. Case No. 65 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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