

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38944 of 2022

Arising Out of PS. Case No.-800 Year-2021 Thana- SUPAUL District- Supaul

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Amar Bhushan, S/O Mr. Mohanlal Rajak Resident Of Road No. 3, Magistrate Colony, Ashiyananagar, P.S.- Rajeev Nagar, District- Patna, The Then District Programme Officer (Establishment), Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Vigilance Investigation Bureau Department, Govt. of Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushkar Narain Shahi- Sr. Advocate
		Mr. Mithilesh Kumar Upadhyay- Advocate
For the State	:	Mr. Mohammad Sufyan
For the Vigilance	:	Ms. Archana Palkar Khopde

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 Heard learned senior counsel for the petitioner, learned Special Public Prosecutor for the Vigilance and learned A.P.P. for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 409, 420, 467, 468, 471, 477(A), 420B/ 34 of the Indian Penal Code and Sections 13(2), 13(1)(c), 13(1)(D) of the Prevention of Corruption Act, 1988.

The learned senior counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that in the light of order dated 27.04.1994 in C.W.J.C.



No.7737 of 1991, the D.E.O., Supaul had directed to retire 72 teachers, who were appointed by the managing committee below the age of 18 years by subtracting their age from the age of retirement of 60 years. Against the said order by which the teachers were made to retire was challenged before this Court by four teachers by filing C.W.J.C. No.25165 of 2013, C.W.J.C. No.16979 of 2014 and C.W.J.C. No.1497 of 2016. It is next alleged that in pursuance of the order passed by this Court in the aforesaid writ applications, those four teachers were reappointed. Further, the D.P.O., Supaul in light of the order passed by this Court as aforesaid reinstated all the 72 teachers and direction was given to make payment of their salary for the period they had not worked. Further, one Anil Kumar Singh filed a complaint before the Vigilance and after inquiry, Director, Primary Education directed to institute an F.I.R. as government lost crore of rupees by way of salary.

The learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that it absolutely defies all logic, wisdom and reasonable administrative behaviour that when the D.P.O. either by interpreting or misinterpreting the order of this Court, gave orders for reinstatement of all the teachers and



directed for payment of their salary, how the petitioner is at fault. It is next submitted that petitioner did work and thereafter he received his salary. It is also submitted that the period during which the petitioner had not worked that decision was to be taken by the D.P.O. as directed by this Court in C.W.J.C. No.1497 of 2016, as the matter was remitted back to him. The learned senior counsel thus submits that it appears that the authority mechanically proceeded. It is also submitted that if the D.P.O. issued orders for payment of salary which led to loss of revenue to the government, then it was not only the D.P.O., who should be held responsible, the responsibility lies upto the Principal Secretary Education including the Director, Primary Education which the vigilance has not investigated.

The learned Special Public Prosecutor for the Vigilance opposes the anticipatory bail application, but is not in a position to rebut the submission of the learned senior counsel that the decision to reinstatement was taken by the District Programme Officer in pursuance of the order passed by this Court, as aforesaid, further the order passed by the D.P.O. reinstating the petitioner with a direction to pay the salary for the period which he had not worked may be legal or may be illegal and thus, was amenable to challenge, but it appears that



instead of taking a decision against the order of reinstatement and payment of salary, as aforesaid, the present F.I.R. came to be instituted.

Considering the submissions made by the learned senior 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 Special Case (Vigilance) No.22 of 2021 arising out of Supaul P. S. Case No.800 of 2021, 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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