

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43852 of 2022

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

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AMOLI PRASAD YADAV @ AMOLI PRASAD SAH S/o Gulabi Sah R/o
village and P.O.- Kario, P.S. and District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Programme Officer (Establishment), Supaul Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Spl. P.P.
For the Opposite Party/s	:	Mr. Ajay Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioner, learned

Special P.P., Shri Arvind Kumar, for the Vigilance and learned

A.P.P., Shri Ajay Kumar Mishra, for the State.

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

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that in light of the order dated 27.04.1994 in C.W.J.C. 7737 of 1991, the D.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 CWJC No. 25165 of 2013 CWJC No. 16979 of 2014 and CWJC No. 1497 of 2016. It is next alleged that in pursuance of the order passed by this Court in the aforesaid writ application, those four teachers were re-appointed, 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, thereafter, one Anil Kumar Singh filed a complaint before the Vigilance and after inquiry Director Primary Education directed to institute an FIR as government lost crores of rupees by way of salary.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the D.P.O. either interpreting or misinterpreting the orders of this Court reinstated the teachers including the petitioners and, thereafter, allowed back wages.

Learned counsel further submits that the petitioner is not at fault and if the fault lies it is of the D.P.O. who misinterpreted the order and allowed payment of back wages.



Learned counsel next submits that an FIR already has been instituted and he will contest the case and prove his innocence.

Learned counsel next submits that the petitioner will cooperate in the investigation and will present himself as and when required by the investigating Officer of the case so that the truth comes out, it is also submitted that petitioner now is 67 years of age and has retired.

Learned Special P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Supaul P.S. Case No. 800 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, if the Investigating Officer files an application, before the learned Trial Court, bringing to its notice that the petitioner despite giving assurance to this Court is not



cooperating in the investigation or is not appearing when called by him, the learned Trial Court after giving an opportunity of hearing to the petitioner shall be entitled to pass orders in accordance with law and shall also have the liberty to cancel his bail bonds.

(Satyavrat Verma, J)

HarshPandey/-

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