

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41866 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- TURKAULIYA District- East
Champanan

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Ajay Kumar Son of Asarfi Prasad Yadav Resident of Village - Banjariya Sahu
Tola, P.s.- Banjariya, District - East Champanan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-11-2022 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Vigilance and the State.

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 prosecution case, the T.E.T. certificates
of the petitioner have been verified by Vigilance Officer and the
same has been found forged.

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 the
petitioner was appointed as a Panchayat Teacher in the year
2014. He further submits that pursuant to order passed by the



Court in C.W.J.C. No. 15459 of 2014 a case has been instituted against the petitioner and similarly situated persons. He further submits that after the enquiry the Vigilance has submitted a report stating therein that the certificate of petitioner was false and fabricated. He further submits that in fact, the petitioner is appointed on the post in question after furnishing the original certificate and he has no concern at all with the forged and fabricated certificate as alleged in the F.I.R. He further submits that pursuant to the present F.I.R., the petitioner is terminated from the post in question on 23.11.2020.

The learned counsel for the State and learned counsel for the Vigilance have vehemently opposed the prayer for anticipatory bail of the petitioner and submit that the petitioner has obtained the job on the basis of the false and fabricated certificate, so he is not entitled to the benefit of anticipatory bail.

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. 10,000/- (Ten 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



Turkauliya (Banjanriya) P.S. Case No. 249 of 2022, 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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