

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43398 of 2022

Arising Out of PS. Case No.-12 Year-2020 Thana- C.B.I CASE District- Muzaffarpur

Rajesh Kumar S/o Raghunath Prasad R/o village- Patahi Tola Pachgachhiya,
P.S.- Patahi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar through the Vigilance Investigation Bureau. Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Vigilance (Patna) P.S. Case No. 12 of 2020 registered for the offences punishable under Sections 109, 193, 203, 205, 219, 419, 420, 467, 468, 471, 120B of the Indian Penal Code and Section 13(2) read with Section 13(1) (D) of the Prevention of Corruption Act, 1988.

As per the prosecution, the informant acting upon the directions of the Hon'ble High Court of Patna investigated the matter and during the course of investigation it emerged that this



petitioner and other co-accused person (Archana Kumari) hatched a conspiracy and inserted their names in the employment register in the place of employed Panchayat Teachers namely Seema Kumari and Tarkeshwar Nath and also the above said accused persons tampered with the employment register and submitted a forged register before the Authority. Further it is alleged that one co-accused Ram Ayodhya Prasad, Panchayat Secretary helped the accused persons in making their employment valid and legal by replacing the original employment register with a forged one and the same was submitted before the District Education Employment Authority.

The main submissions advanced by the learned counsel Mr. Sangeet Deokuliar for the petitioner are that the petitioner is the person who was appointed illegally by tampering the employment register in collusion with Ram Ayodhya Prasad, the then Panchayat Secretary who allegedly appointed the teachers including the petitioner in place of one and gave them wrong appointment letters and started two schools in place of one and petitioner was one of the teachers who was given appointment letter by Ram Ayodhya Prasad and believing that appointment to be true the petitioner joined the post of teacher but he was not given salary and thereafter he



filed CWJC No. 9694 of 2013 against the then Panchayat Secretary and the Mukhiya and in that matter enquiry was directed to be conducted and thereafter wrong records in the employment register were found and accordingly the petitioner is the worst sufferer and if any wrong was found to be committed in respect of the employment of the petitioner and others then the presumption of committing the said wrong must be made against the then Panchayat Secretary who was the custodian of the register/documents concerned to that recruitment process and moreover the petitioner has been languishing in jail since 24.05.2022 having clean antecedent.

On the contrary, learned special APP for the Vigilance Department has vehemently opposed the bail prayer and submitted that the alleged wrong in respect of the fake appointment was committed in connivance with this petitioner and other co-accused persons and during the course of enquiry the petitioner was found involved in the alleged fake employment and he was a member in the conspiracy of committing the alleged occurrence as said by the co-accused persons.

In view of above submissions and mainly considering the petitioner's clean antecedent and his custody period and also



the position explained in paragraphs 12 to 16 which goes in favour of petitioner's defence as to he is a sufferer from the alleged act, though he might be involved in the alleged offence of fake employment but admittedly he was not the custodian of the relevant documents/registers concerned to the alleged employment and the then Panchayat Secretary and Mukhiya and others connected to the concerned Panchayat were bound to make that recruitment process and moreover the relevant documents/registers are stated to be in the custody of the then Panchayat Secretary, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Vigilance (Patna) P.S. Case No. 12 of 2020.

(Shailendra Singh, J.)

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