

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43252 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- TISIAUTA District- Vaishali

Mahabharat Kumar Son Of Jaglal Paswan R/O Village- Chapta, P.O.- Mahathi
Dharamchand, P.S.- Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate Mr. Vasant Vikash, Advocate
For the Opposite Party/s	:	Mr. Ajay Mishra, A.P.P.
For the Vigilance	:	Mr. Arvind Kumar, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel for the Vigilance.

Let the defects, as pointed out by the office, be
removed 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, the educational certificate
of Inter mark-sheet obtained by the petitioner from the Bihar
School Examination Board, was found forge during the
departmental verification and it is stated by the Board about the
Inter Mark-sheet Certificate of the petitioner that the name does



not tally. And on the basis of aforesaid forged Inter Mark Sheet Certificate the petitioner appointed as Panchayat Teacher in the year 2007 and presently posted as Panchayat/Block Teacher in Upgraded Middle School, Mataiya.

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 allegation against the petitioner is that the educational certificate of the Inter Marksheet obtained by the petitioner from the Bihar School Education Board was found forge during the departmental verification. He further submits that the petitioner has been appointed on the post of Panchayat Teacher in the year 2007 after due verification of academic certificates of the petitioner. But subsequently his certificates have been declared forged and fabricated during the inquiry conducted by the Vigilance. He further submits that in fact the petitioner has obtained the certificate in question from Bihar School Examination Board after completing his matriculation from Bihar School Examination Board in the year 2001 and obtained 345 marks out of total 700 marks. He further submits that the petitioner has not produced any forged and fabricated certificates for the purpose of obtaining employment on the post



of Panchayat Teacher. Hence, the petitioner may be granted the privilege of anticipatory bail. He further submits that the petitioner has appeared in the Elementary Teachers' Evaluation Examination in the year 2016 and declared qualified and on that basis a certificate has been issued in his favour, which is evident from the Annexure-2 to this application.

The learned counsel for the Vigilance on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that during inquiry it was found that the petitioner has obtained his employment on the post of Panchayat Teacher on the basis of forged and fabricated academic certificates.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or 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 Tisiauta P.S. Case No. 20 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. One of the conditions, i.e., before furnishing the bail bond the petitioner shall take resign from the post in



question and shall submit the resignation letter along with bail bond.

2. 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.

3. 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.

4. 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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