

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45205 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- SRINAGAR District- West Champaran

DINESH CHOUDHARY @ DINESH KUMAR SON OF CHANDRA
KISHOR CHOUDHAR @ CHANDRA KISHOR R/O VILLAGE- BAIJUA,
P.S.- BAIRIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s	:	Mr.Ajay Mishra, APP
For the Vigilance	:	Mr. Arvind Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State as well as learned counsel

appearing for Vigilance Department.

The petitioner apprehends his arrest in a case

registered for the offence under Sections 420, 467, 468, 471

and 120B of the Indian Penal Code.

According to the prosecution, the petitioner is

appointed on the post of Neojit Teacher during the year

2006 to 2015 in the state of Bihar on the basis of their

requisite certificates issued by the Bihar School Examination

Board, Patna. Subsequently, in compliance of the order

passed by the Hon'ble Patna High Court, an inquiry was

conducted by the vigilance department in which the



appointment of the petitioner on the post of Niyojit Teacher was found illegal on the ground of his forged and fabricated certificates. Accordingly, this case has been instituted against the petitioners.

Learned counsel for petitioner submits that the petitioners is innocent and has not committed any offence. He further submits that the petitioner is of clean antecedent. He further submits that the petitioner is stated to have been appointed on the post of Panchayat Shikshak after proper verification of his academic or requisite certificates issued by the Bihar School Examination Board, Bihar, Patna. He further submits that subsequently pursuant to the direction issued by the Hon'ble Patna High Court, a vigilance inquiry has been conducted and the certificates of the petitioner are declared forged and fabricated. He further submits that the petitioner has not created or submitted any forged and fabricated documents in order to obtain employment on the post of Panchayat Teacher rather the original certificates issued by the Bihar School Examination Board have been submitted at the time of his appointment and that too have duly been verified before providing the employment to the petitioner. Therefore, no case under Section 420 of the



Indian Penal Code is made out against the petitioner. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State and learned counsel for the Vigilance have vehemently opposed the prayer for bail of the petitioner and submit that during the inquiry the appointment of the petitioner has been found illegal as the same was based on false and fabricated documents.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 learned Court below where the case is pending in connection with Shrinagar P.S. Case No. 130 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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.

It is made clear that the petitioner shall submit his resignation, if not terminated from the service, before the Department concerned and the same shall be produced before the court below at the time of furnishing bail bonds and the court below shall verify the same before acceptance of the bail bonds of the petitioner.

(Rajesh Kumar Verma, J)

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