

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39996 of 2020

Arising Out of PS. Case No.-47 Year-2003 Thana- GURUA District- Gaya

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KAMLESH KUMAR MISHRA Son of Late Shyam Sunder Mishra Resident
of Village - Baniyadih, P.S.- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs.Vaishnavi Singh, Adv. Mr. Narendra Kr. Singh, Adv.
For the Opposite Party/s :		Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

13 10-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Guraru P.S. Case no. 47 of 2003 instituted for the offence
under Sections 419, 420 and 409 of the Indian Penal Code.

As per allegation in the FIR, co-accused Pratap
Narayan Mishra, who was the ex-headmaster of High School,
Devkali, Gaya had done forged appointment of some teachers
including the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has been falsely
implicated in this case. The main allegation is against co-



accused Pratap Nayaran Mishra. It is further submitted by learned counsel for the petitioner that appointment of the petitioner was done on 31.7.1996 by the then headmaster Mahadeo Sharan Indu after full verification of the certificates and thereafter the petitioner was ordered to appoint by government memo. His appointment was not made during the tenure of ex-headmaster Pratap Narayan Mishra. It appears from the service book of the petitioner that the headmaster of the concern school has give a certificate stating therein that Article 298 of Bihar Service Code the service of the petitioner was being confirmed since 16.7.1998 to 30.09.2001. It is further submitted that petitioner was selected by the Uttar Pradesh Madhyamik Shiksha, Service Selection Board, Allahabad and accordingly posted in Baba Kina Ram Inter College, Ramgarh, Chandauli, U.P. on 19.11.2005 and joined there on 10.01.2006 after regining from the Govt. High School, Devkali, Gaya.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Guraru P.S. Case no. 47 of 2003, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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