

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48116 of 2022

Arising Out of PS. Case No.-173 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Virendra Kumar Rahi Son of Sri Uttim Prasad Resident of Village - Mathiya
Gram Panchayat Chaumukh, Block and P.s.- Vijaipur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhuri Lata, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to add a party to serve copy of bail petition to the learned counsel for the vigilance during the course of the day.

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 the prosecution case, the petitioner was appointed as Panchayat teacher in the year 2005 but on verification, the said mark sheet of the petitioner was found to



be forged and fake as the marks mentioned in the mark sheet is false.

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 pursuant to the direction passed on 16.08.2021 a vigilance enquiry has been conducted against the petitioner and similarly situated person. He further submits that the petitioner was appointed as Panchayat Teacher in the year 2005 on the basis of the original and genuine mark sheet which was submitted at the time of appointment. He further submits that the certificates in question was issued by the Bihar School Examination Board and petitioner has submitted the original and genuine certificate. He further submits that after 16 years of his service, the present F.I.R. has been instituted against the petitioner. He further submits that after the institution of the present F.I.R., the petitioner has terminated/resigned from the service. He further submits that the petitioner has no concern at all with the allegation as alleged in the F.I.R.

The learned counsel for the Vigilance has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has obtained the service on the basis



of the false and fabricated document.

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 Vijaipur P.S. Case No. 173 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. At the time of furnishing the bail bond, the petitioner shall produce the resignation/ termination letter before the Magistrate/ Competent Authority.

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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