

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58350 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- CHAUTHAM District- Khagaria

Sanjay Kumar Sharma @ Sanjay Kumar Son of Murli Manohar Sharma R/V-
Mahesh Khunt, Bichli Tola, P.S- Gogari, Dist- Khagaria, at present posted as
Physical Teacher, Kashi Middle School, Pipra, Dist- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Vigilance Investigating Bureau, Patna through Police Inspector-cum-Vigilance Officer, Patna Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioner and learned
counsel for the Vigilance Department as well as learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends 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 case, in brief, is that the
informant Uma Shankar Singh is that by the order of the
Hon'ble High Court passed in CWJC No. 15459 of 2014 an
investigation Bureau Patna started enquiry against appointed



teachers, Mark Sheet, Educational Certificates etc. District Programme Officer, Khagaria produced certificate before the investigation bureau and bureau found that Sanjay Kumar (petitioner) was appointed as a Prakhanda Teacher in the year 2006 in Chautham Block, District Khagaria. On enquiry mark sheet at Matric of petitioner is found fake. This kind petitioner filed forged document for his service.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that pursuant to order passed in C.W.J.C No. 15459 of 2014, the present F.I.R. is instituted against the petitioner and similarly situated persons. He further submits that in fact the petitioner has submitted all the genuine certificate which was issued by the competent Board. He has not submitted any false and fabricated mark sheet or certificate for obtaining the post of physical teacher. He further submits that it has come during investigation that petitioner has submitted false and forged certificate for obtaining the job in question. He further submits that after institution of the present F.I.R., the petitioner has resign from the post of Physical Teacher on 30.11.2022.

The learned counsel for the Vigilance on the other



hand has vehemently opposed the prayer for anticipatory bail for the petitioner on the ground that it has come during the investigation that the petitioner has submitted false and fabricated certificate for obtaining the job in question.

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 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 Chautham P.S. Case No. 130 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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