

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3573 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- BIHARIGANJ District- Madhepura

Binay Kumar Ram @ Vinay Kumar Ram @ Vinay Ram, S/o Late Bhola Ram,
R/o Village- Fulant, P.S.- Chausa, Distt- Madhepura Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bihariganj P.S. Case No. 233 of 2022
registered for the alleged offences under Sections 419, 420, 467,
468 and 469 of the Indian Penal Code.

As per prosecution case, the petitioner in connivance
with co-accused Block Education Officer issued an appointment
letter to one Vivek Kumar for the post of Panchayat Teacher
even when the said person did not appear at the time of
counseling. The departmental proceeding was ordered to be
initiated against the petitioner and the F.I.R. was also registered
against him.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this



case and he acted in the capacity of the member of the selection unit and has not done anything for his personal gain. The petitioner has merely signed the letters of appointment as directed by the authorities of the selection unit and as he has been acting upon the instruction of authorities no offence is made out against him. Learned counsel further submits that it is apparent from the F.I.R. that the Selection Committee and Block Education Officer were also involved but no action has been taken against them and this petitioner has been made a scape-goat. Already departmental proceeding has been initiated against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 14.10.2022. The petitioner has got no criminal history.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. Learned A.P.P. submits that the petitioner is out and out responsible for issuing appointment letters and canceling the same of other candidates.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent and there appears no further likelihood of tampering with witnesses as investigation is



complete, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Udakishunganj, Dist-Madhepura in connection with Bihariganj P.S. Case No. 233 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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