

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13368 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- BACHHWARA District- Begusarai

SANJAY KUMAR PASWAN S/o Maheshwar Paswan R/o Village-
Bhavanandpur, Ward no. 5, Arazi Panapur, Panapur, P.S.- Birpur, Distt-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar through the Police Inspector, Vigilance Investigation
Bureau, Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Bachhwara P.S. Case No. 73 of 2022 instituted under
Sections 420, 467, 468, 471, 120B of the Indian Penal Code
lodged on 01.04.2022 by the informant Surendra Kumar Mouar.

As per the prosecution story, in view of the direction
given by the Patna High Court, Patna in writ petition being
CWJC No. 15459 of 2014 the Officers in each district were
deputed for inquiry of educational certificate of engaged
teachers. The informant was deputed for verification of
educational qualification and certificates of Begusarai district.
The District Programme Officer (Estd.) Education Department,
Begusarai produced folder (Educational and Training



Certificates) and in course of inquiry it was found that engaged Teacher Sanjay Kumar Paswan (Petitioner) was appointed as Panchayat teacher in year 2010 and is presently posted at Utkramit Madhya Vidyalaya, Urdu, Arba, Begusarai whose Matric Roll Code is 06334, Roll No. 0429, year 1998 (A) and Marks 699, 1st class was sent for verification to the Bihar School Examination Board, Patna where in turn informed the same to be a false certificate.

Allegation is that it shows that the engaged teacher Santosh Kumar Paswan (Petitioner) in connivance with others unknown has got the said job after submission of forged and fabricated mark sheet and on inquiry the allegation against him was found to be true. Accordingly, the case in hand.

It has been informed by the learned counsel for the petitioner that he has resigned on 22.05.2023, and the photocopy of the letter submitting resignation has been made available.

Let the said photocopy be kept on record.

Learned APP on the other hand opposes the prayer for anticipatory bail.

In view of the fact that subsequent to the finding the petitioner has resigned, do not have criminal antecedent and the FIR being lodged, ultimately will have to face the music, this



Court is inclined to extend him privilege of anticipatory bail.

If it is found that the letter so made available is incorrect and he is continuing his service the order shall become infructuous.

Let the petitioner be released on anticipatory bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bachhwara P.S. Case No. 73 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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