

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17616 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- HATHUA District- Gopalganj

Artunjay Kumar Kushwha, S/O Janardan Bhagat, Resident of Village-
Fatehpur, Post-- Vishnupra (Maharajganj), P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Prakash Singh, Advocate
For the State	:	Mr.Akshay Lal Pandit, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the Vigilance.

2. In the present case, the petitioner seeks bail in connection with Hathua P.S. Case No. 184 of 2022, registered for the alleged offences under Sections 420, 467, 468, 471, 120 (B)/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner presented fake and forged certificate at the time of his appointment as Block Teacher. He failed to avail amnesty scheme, which was in vogue for certain period under the orders of this Court passed in CWJC No.15459 of 2014.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Only allegation against the petitioner is that he used fake certificate, but there is no allegation that he fabricated the same. The petitioner filed genuine and valid documents at the time of his application and the same were verified and found to be correct by the appointing committee. Thereafter, he was issued appointment letter. This Court directed the Government of Bihar to verify the documents of the teachers so appointed and after lapse of eight years, the present case has been lodged against the petitioner. Moreover, offenses alleged in the FIR are not made out against the petitioner. The petitioner is in custody since 14.10.2022 and the charge sheet has been submitted. The petitioner is having clean antecedent. The learned counsel further submits that similarly placed persons have been granted anticipatory bail by different Coordinate Benches of this Court vide Cr. Misc. Nos.1367 of 2017 and 3070 of 2017.

5. Learned A.P.P. and learned counsel appearing on behalf of the Vigilance oppose the prayer for bail. The learned counsel for the Vigilance submits that despite amnesty scheme, this petitioner failed to avail the benefit and did not tender his resignation.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of



custody of the petitioner and submission of charge sheet, the petitioner 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 Additional Chief Judicial Magistrate-XIV, Gopalganj, in connection with Hathua P.S. Case No. 184 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

