

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27213 of 2023**

Arising Out of PS. Case No.-985 Year-2022 Thana- MOTIHARI TOWN
District- East Champaran

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1. ANJALI KUMARI D/O ANIL PRASAD R/O Village- Saraiya Ojha Tola, P.S- Paharpur, Distt.- East Champaran.
 2. Shilpi Kumari D/O Sidheshwar Nath Pandey R/O Village- Dhekhan Bazar, P.S- Motihari Mufasil, Distt.- East Champaran.
 3. Chandan Kumar S/O Kapileshwar Prasad R/O Village- Nada, P.S- Bhairganj, Distt.- East Champaran.
 4. Rani Kumari D/O Om Prakash Prasad R/O Village- Dhangola Sugauli, P.S- Sugauli, Distt.- East Champaran.
 5. Khushboo Kumari D/O Kapileshwar Prasad and W/O Jagat Kumar R/O Village- Saraiya Ojha Tola, P.S- Paharpur, Distt.- East Champaran.
 6. Bageshwar Kumar S/O Hareesh Prasad R/O Village- Saraiya Ojha Tola, P.S- Paharpur, Distt.- East Champaran.
 7. Pankaj Soni S/O Vijay Soni R/O Village- Ramnagar, P.S- Ramnagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 10-10-2023

Heard Mr. Anant Kumar Mishra, learned counsel
for the petitioners and Mr. Ajay Kumar No.2 learned A.P.P. for
the State.

The petitioners apprehend their arrest in Motihari
Town P.S. Case No. 985 of 2022 registered for the offence
under Sections 149, 420, 467, 468, 471 and 120(B)/34 of



the Indian Penal Code.

The petitioners are alleged to have obtained appointment on the post of Accountant -cum- I.T. Assistant on the basis of forged and fabricated academic certificates.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the petitioners allegedly obtained their appointment on the post of Accountant -cum- I.T. Assistant on the basis of forged and fabricated academic certificates, which were submitted at the time of their appointment. Learned counsel for the petitioners submits that the petitioners have obtained degree of higher secondary from the Central Institute of Open Schooling, Uttar Pradesh which has been recognized by the Government of Uttar Pradesh as is evident from Annexure-2. He further submits that the petitioners have not submitted any forged and fabricated certificates as alleged in the F.I.R. rather they have submitted their original and genuine certificates at the time of obtaining appointment on the post of Accountant -cum- I.T. Assistant in the district of East Champaran and without giving any



notice, the petitioners have been terminated from the services.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have obtained their appointment on the basis of false and fabricated documents.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 985 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled



by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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