

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33606 of 2023

Arising Out of PS. Case No.-40 Year-2021 Thana- BHELDI District- Saran

PRABHU NATH UPADHAYAY Son of Late Pramatra Upadhyay Resident
of village - Harpur Parsa, P.S. - Parsa, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Superintendent of Police, Vigilance Investigation Bureau Patna
cum Assistant The Deputy Superintendent of Police, Vigilance Investigation
Bureau Patna cum Assistant Investigation Niyojit Teacher, Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sharma, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the Vigilance.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Bheldi P.S. Case No.40 of 2021 registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had reported the Dy.S.P., CBI, Patna that due to flood the school was damaged, hence it is not possible to report about the authenticity of certificate of co-accused Harendra Prasad Singh who was appointed as Panchayat



Teacher on fake certificate.

4. Learned counsel for the petitioner submits that the co-accused Harendra Prasad Singh had obtained his appointment as Panchayat Teacher in the year 2003 when this petitioner was not posted as headmaster of the school in question and the allegations are said to be based on suspicion. Learned counsel submits that the co-accused Harendra Prasad Singh has been granted privilege of pre-arrest bail vide order dated 07.11.2022 passed by this Court in Cr.Misc.No.50498 of 2021 (Annexure-2).

5. Learned A.P.P. for the State as well as learned counsel for the Vigilance have opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein this Court has noticed that the co-accused Harendra Prasad Singh had obtained his appointment as Panchayat Teacher in the year 2003 when this petitioner was not posted as headmaster of the school in question and the allegations are said to be based on suspicion at this stage and the co-accused Harendra Prasad Singh has been granted privilege of pre-arrest bail vide order dated 07.11.2022 passed by this Court in Cr.Misc.No.50498 of 2021 (Annexure-2), this Court directs



that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Bheldi P.S. Case No. 40 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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