

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35258 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- SIDHWALIYA District- Gopalganj

ASHOK SHARMA S/O BALIRAM SHARMA R/O village-Fandahiya, P.S.-
Mashrak, District-Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Singh
For the Opposite Party/s	:	Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Sidhwaliya PS Case No. 02 of 2023 dated-07/01/2023 registered under Section 420 / 467 / 468 / 471 / 120(B) of the IPC.

3. As per the allegation the petitioner obtained appointment as Panchayat Teacher on the basis of forged mark sheet.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and at the time of his appointment he had produced mark-sheet issued by the Bihar School Examination Board. The allegation of mismatch in the mark-sheet of BSEB is



not correct. He submits that the petitioner was not given opportunity to place his defence on the point of falsity of the mark sheet. The petitioner has already been terminated from service on this ground by letter dated: 25-01-2023 bearing no. 02 issued by the Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Employment Unit, Gram Panchayat Raj, Khajuriya (Annexure – 2 to the bail application).

5. On the other hand, learned counsel for the Vigilance Bureau submits that pursuant to the direction issued by a Co-ordinate Bench of this Court the certificates of all the appointees of Panchayat Teacher were verified by the Vigilance Department and the mark sheet produced by the petitioner was found to be fake.

6. Regard being had to the submission made by the parties, taking into consideration the fact that the allegation against the petitioner is based upon documents for which custodial interrogation of the petitioner may not be necessary and the petitioner has been removed from service, as such, I am inclined to grant anticipatory bail to the petitioner.



7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Babita Singh, Judicial Magistrate 1st Class, Gopalganj in connection with Sidhwaliya PS Case No. 02 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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