

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35922 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- RUPAULI District- Purnia

ABHINAV KUMAR son of Braj Bihari Sah Village PO- Tetari Ps-
Navgaghiya Dist- Bhagalpur Posted as Niyojit Panchayat Teacher in Primary
School Maina Bhagawanpur Panchayat Dobha Malik Block- Rupauli dist-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Rupauli P.S. Case No. 381 of 2022 registered for the offences
under sections 420, 467, 468, 471 and 120(B) of the Indian
Penal Code lodged on 16.12.2022 by the informant, Upendra
Kumar.

The case of the prosecution, in brief, is that in the
light of Patna High Court's order in CWJC No. 15459/2014
under surveillance investigation no. B.S-08/15, the irregularities
in the appointment was/were being investigated by the



Monitoring Investigation Bureau, Patna. In the year 2015, the Panchayat Teacher, namely, Abhinav Kumar was appointed as an untrained Teacher in Primary School Maina, Bhagwanpur, Panchayat -Dova Milik, Block-Rupauli, District Purnea on the basis of B.T.E.T. marksheet.

His B.T.E.T. certificate was made available by the Block Education Officer, Rupauli, Purnea, was sent to the Bihar School Examination Board, Patna for verification, in which his Roll No. is 1601118033, Year-2011, Paper-1, Marks obtained-088, Paper-1, Result-Q. Paper-II Marks obtained-091, Paper-II, Result-Q.

The verification report received through Bihar School Examination Board, Patna's Letter No. BSEB/VVC-620/2021, dated 22.06.2021, revealed that the name of the candidate is mentioned as Abhishek Kumar in place of Abhinav Kumar while the name of his father is mentioned as Birendra Prasad Bhagat in place of Braj Bihari Sah. Thus the marksheet of B.T.E.T. of Panchayat Teacher, Abhinav Kumar (the petitioner) stamped as FAKE.

Investigation done so far and on the basis of documentary evidence this fact has come to light that employed Panchayat Teacher Abhinav Kumar of Primary School Maina,



Bhagwanpur, Panchayat-Dova Milik, Block-Rupauli, District Purnea has fraudulently got himself employed as a Panchayat Teacher under criminal conspiracy by using fake and forged marksheets of B.T.E.T. and has embezzled Government funds by receiving Government money as salary, which is a punishable offence. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that erroneously, he could not resign in time and accordingly is facing the FIR.

It is the contention of the learned Counsel for the petitioner that before he could resign, he was taken into custody and once released on bail, he will be immediately resigning from the post he has holding in view of the allegation that has come in the FIR.

Mr. Ajay Mishra, learned APP for the State, on the other hand, opposes the prayer for bail stating that despite amnesty granted by the High Court and the State, the petitioner knowingly chose not to resign in time.

Taking into account that he remained in custody since 26.03.2023 (paragraph 15 of the petition), do not have criminal antecedent and an undertaking is being given by the learned Counsel for the petitioner that he will be resigning once out on



bail, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Rupauli P.S. Case No. 381 of 2022, subject to the following conditions:-

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

(ii) 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 bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark attendance;

(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 his 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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