

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51288 of 2023

Arising Out of PS. Case No.-397 Year-2019 Thana- LAXMIPUR District- Jamui

KAPILDEO DAS @ KAPILDEO RAVIDAS S/O LATE RAMRUP DAS R/O
Village- Vikrampur, PS. Kajra, Dist. Lakhisarai

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAHMAT ALI, ASI, VIGILANCE INVESTIGATION BUREAU, PATNA
IN CHARGE OF TEACHER ENQUIRY, JAMUI R/O VILLAGE AND
WARD NO. 03 KHALILPUR, PS. PHULWARI, DIST. PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prakash Mahto
For the State	:	Mr.Ajay Mishra
For the Vigilance	:	Mr. Anil Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 09-11-2023
1. Heard learned Counsel for the petitioner, learned Counsel for the Vigilance Department and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Laxmipur Police Station Case No. 397 of 2019, dated 24.10.2019, disclosing offences punishable under Sections 420/467/468/471/120-B of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report, is that the FIR-named accused, namely Kumari Geeta Tamoli applied for the post of Panchayat Teacher in the year 2008 and in her application form, she did not



mention, in the qualification column, the marks obtained in the teachers training, but in the final merit list/panel prepared by the Selection Committee, the marks obtained in the teachers training by the accused Kumari Geeta Tamoli as 917 was mentioned. The petitioner, being the Panchayat Secretary and the Ex-Officio Member of the Selection Committee has manipulated in the process of appointment for his personal gain.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the appointment was done in the year 2010. However, in the year 2011, the petitioner was transferred and he handed over the charge of Panchayat Secretary to one Harinandan Mahto, who, in turn handed over the charge for the same to one Rameshwar Das, who sent the folder containing the documents of appointment of teachers to the Vigilance Department and it appears that somebody has manipulated in the panel in order to falsely implicated him.
5. In reply, learned Counsel for the Vigilance Department and the State submit that the petitioner was responsible for preparation of panel at the relevant point of time, as



per Rule 9 of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006. Learned Counsel for the Vigilance Department further submits that the petitioner was holding the post of Panchayat Secretary and one of the Government Officials and was also a member of the Selection Committee and as per Rule 11 of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006, a duty has been cast upon the petitioner to verify the genuineness of the testimonials of educational qualifications as well as the certificate regarding teachers training, but the petitioner misused his power and granted 917 marks towards teachers training to the accused Kumari Geeta Tamoli, who, admittedly, did not produce the teachers training certificate at the time of filling up her application form. He further submits that in similar circumstances, a co-ordinate Bench of this Court, in Criminal Misc. No. 42132 of 2019, has rejected the anticipatory bail application of the Executive Officer of the panchayat, vide order, dated 01.11.2021.

6. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.



7. From perusal of Annexures A and B to the counter affidavit filed on behalf of the Vigilance Department, it appears that Kumari Geeta Tamoli did not fill up the column of the application form regarding teachers training, but, from the panel prepared for appointment, at Annexure B, it appears that Kumari Geeta Tamoli has been awarded 917 marks by the Selection Committee, of which the petitioner was also one of the member/ Government representatives and was very much posted in the Panchayat at that point of time.
8. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.
9. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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