

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47074 of 2023

Arising Out of PS. Case No.-396 Year-2021 Thana- AMARPUR District- Banka

Sukhdeo Sah @ Sukdeo Sah Son Of Anandi Sah Resident Of Village- Sihnan,
Ps- Rajaon, Dist- Banka, Presently Residing At Village- Kakna, Ps And Dist-
Banka, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent Of Police, Vigilance, Investing Bureau, Patna Through
Vigilance Department Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratyush Pratap Singh, Advocate
For the Vigilance	:	Mr. Arvind Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-10-2023 Heard Mr. Pratyush Pratap Singh, learned counsel
for the petitioner and Mr. Arvind Kumar, learned counsel
appearing for the Vigilance.

2. The petitioner is apprehending his arrest
connection with Amarpur P.S. Case No. 396 of 2021, F.I.R.
dated 02.08.2021 registered for the offences punishable under
Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. As per allegation in the F.I.R., the petitioner was
appointed as a teacher in Pronnat Middle School on the basis of
forged P.T.T certificate.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and as per direction of this Hon'ble Court in C.W.J.C. No. 15459 of 2014 the present F.I.R. has been instituted. Learned counsel for the petitioner further submits that he has not submitted any forged and fabricated certificate at the time of his appointment on the post of primary teacher and he has furnished the original certificate which he obtained from the competent Board/University and pursuant to the the direction of this Hon'ble Court in C.W.J.C. No. 15459 of 2014 the petitioner has been removed from his post since 09.08.2021. He further submits that similarly situated co-accused person namely Janaardhan Mandal has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 24.11.2022 passed in Cr. Misc. No. 65256 of 2021, another co-accused person namely Chandraprabha Kumari has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 21.09.2022 passed in Cr. Misc. No. 68190 of 2021, another co-accused person namely Chandan Kumar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated



21.11.2022 passed in Cr. Misc. No. 13613 of 2022 respectively.

5. Learned counsel for the Vigilance, on the other hand, has opposed the prayer for anticipatory bail of the petitioner and submits that it has come during investigation that the petitioner has submitted the forged and fabricated certificate which is the subject matter of the present F.I.R..

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarapur P.S. Case No. 396 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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