

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49312 of 2023**

Arising Out of PS. Case No.-315 Year-2021 Thana- RANIGANJ District- Araria

Shivendra Yadav @ Shivendra Kumar Yadav, Son Of Late Narayan Yadav @
Bish Narayan Yadav, Resident Of Village- Ramghat Koshkapur Ward No. 5,
Ps- Narpatganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Raniganj P.S. Case No. 315 of 2021, registered on 25.10.2021 for the alleged offences under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the petitioner while working as a Panchayat Secretary was involved in recruitment of Panchayat Teachers. One Nitish Kumar is said to have applied from two places and he got selected at both places but in Majhua East Panchayat, co-accused Ramesh Mandal got himself selected impersonating as Nitish Kumar. The informant raised



his suspicion that such forgery was not possible without involvement of the employees of the employment agency. Thus petitioner has to be arraigned as an accused in this case.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a Panchayat Secretary and there is no occasion of any connivance of the Panchayat Secretary for causing any mischief in the selection process. The whole selection process is monitored by the District Education Officer and there is no scope for any wrong doing. Learned counsel further submits that in the documents, it is the complicity of co-accused Nitish Kumar which comes to the picture since he furnished his Aadhar Card and his signature is identified in both the selection processes and he allowed his original certificates to be used. But there is no allegation that the petitioner connived either with co-accused Nitish Kumar and Ramesh Mandal. Learned counsel further submits that nothing has come on record showing the involvement of the petitioner in the alleged offence. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the distinct lack of material against the petitioner coupled with the probability of false implication and also considering the clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/court concerned, in connection with Raniganj P.S. Case No. 315 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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