

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47687 of 2022**

Arising Out of PS. Case No.-38 Year-2022 Thana- DIGHALBANK District- Kishanganj

MD. SULTAN Son of Md. Afsar Ali @ Afsar Ali Resident of Village-  
Bairbanna, Dighalbank, P.O. Sontha, P.S.- Dighalbank, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through Vigilance Department, Govt. of Bihar, Patna.  
Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Diwakar Sinha, Advocate

For the Opposite Party/s : Mr.Ajay Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      04-01-2023                      Heard learned counsel for the petitioner and the  
  
learned counsel appearing on behalf of the Vigilance  
  
Department.

The case is registered under sections 420, 467, 468,  
471, 120B of the Indian Penal Code, in connection with  
Dighalbank P.S. Case No. 38 of 2022.

As per the prosecution story, the petitioner despite  
amnesty given by the Vigilance Department pursuant to the  
direction of the Patna High Court in C.W.J.C. No. 15459 of  
2014 did not put in his papers and later it was found that the  
documents provided by him at the time of employment was not  
genuine and accordingly the FIR was lodged.



Learned counsel for the petitioner submits that under bona fide belief that the certificate granted to him by the college concerned is genuine, he continued in service but the and moment he came to know about the same being false, he has since resigned from the post. Further submission is that the petitioner do not have any criminal antecedent and is ready to cooperate in the investigation.

Learned counsel for the Vigilance Department on the other hand submits that the petitioner despite amnesty granted chose to continue on the post and as such has opposed the prayer for anticipatory bail.

Taking into account the aforesaid facts that the petitioner subsequently resigned, do not have any criminal antecedent and will cooperate in investigation as and when the authorities require him, this Court is inclined to grant him relief. If however, it is found that the statement regarding his resignation from the post is incorrect, the order shall become infructuous.

Let the petitioner be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Kishanganj,  
in connection with Dighalbank P.S. Case No. 38 of 2022 subject  
to the conditions as laid down under Section 438(2) of the  
Cr.P.C.

**(Rajiv Roy, J)**

Ravi/-

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