

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54312 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- BETTIAH CITY District- West
Champaran

1. Rakesh Prasad, aged about 36 years (Male) son of Ramji Lal, resident of Village- Rampur, P.O. Ratanpur, P.S. - Mufassil, District - Bhojpur
2. Vijay Kumar, aged about 31 years (Male), son of Ramji Lal, resident of Village- Rampur, P.O. Ratanpur, P.S. - Mufassil, District - Bhojpur
3. Sonu Kumar Ram, aged about 26 years, (Male), son of Ramshankar Ram, resident of Village- Ujjain, P.O. & P.S. - Daraundha, District - Siwan
4. Pappu Ram, aged about 32 years, (Male), son of Radha Mohan Ram, resident of Village- Nawka Gaon, P.O. Daya Chapra, District - Saran
5. Ranvir Singh @ Ranveer Singh, aged about 38 years, (Male), son of Bhagwan Singh, resident of Village And P.O- Manika, P.S. Madanpur, District - Aurangabad
6. Abhishek Anand, aged about 27 years, (Male), son of Kedar Prasad, resident of Village- Hiranman Bigha, P.O. Masudha, P.S. Nardiganj, District - Nawada
7. Jitendra Kumar Ram, aged about 31 years, (Male),
8. Vikki Kumar Ram, aged about 28 years, (Male),
Both son of Shambhunath Ram, resident of Village- New English, Ward No. 16, Barahiya behind New Nagarpalika, District - Lakhisarai
9. Arjun Kumar, aged about 28 years, (Male), son of Naresh Ram, resident of Village- Kanua, P.O. Saidpur, Ward No. 06, P.S.-Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Ravindra Nath Dubey, learned counsel
appearing on behalf of the petitioners and Mr. Ajay Mishra,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection



with Bettiah Town P.S. Case No. 198 of 2023 dated 16.03.2023 registered for the offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

3. Prosecution story, in brief, is that Assistant Settlement Officer (Headquarter), West Champaran, Bettiah had written a letter no. 168 dated 04.03.2023 addressing to the Officer-in-Charge, Bettiah Town P.S. for registration of F.I.R. against the petitioners who on the basis of fake certificate got employment on the post of Special Surveyor *Amin*.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioners were appointed on the contractual basis and there is no question of any fake certificate produced by the petitioners in getting appointment. The F.I.R. itself is not sustainable in view of the allegation made against the petitioner. Learned counsel further submitted that the appointment of the petitioners has been cancelled and the recovery of payment against the similarly situated *Amins*, who have also been found to have been appointed on the basis of fake certificate have been quashed by this Hon'ble Court. Learned counsel has relied upon two orders/judgments of this Hon'ble Court passed in CWJC No. 3675 of 2023 and CWJC No. 3260 of 2023. Both the orders/judgments were passed on



10.08.2023 by this Hon'ble Court. He further submitted that several contractual *Amins* have been released on anticipatory bail by this Hon'ble Court and in this regard, he has produced order dated 19.08.2023 passed in Cr. Miscellaneous No. 50895 of 2023 and Cr. Miscellaneous No. 53017 of 2023. Petitioners are innocent and deserve to be released on bail. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that the some of the petitioners had filed their writ application and this Court had interfered in the matter. The appointment of the petitioners have already been cancelled. Similarly, situated other co-accused have been granted anticipatory bail by this Court. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 198 of 2023 dated 16.03.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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