

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57892 of 2023**

Arising Out of PS. Case No.-153 Year-2023 Thana- JAYNAGAR District- Madhubani

ABUL KALAM Son of Akhtar Hussain Resident of Village-Islam Ganj,  
Deodha (Middle), P.S.-Deodha, District-Madhubani.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. Ravi Prakash, Advocate   |
| For the Opposite Party/s | : | Mr. Nand Kishore Prasad, APP |
| For the Vigilance        | : | Mr. Arvind Kumar, Spl. P.P.  |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-10-2023                      Heard Mr. Ravi Prakash, learned counsel for the petitioner, Mr. Arvind Kumar, learned counsel for the Vigilance as well as learned Mr. Nand Kishore Prasad, Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No.153 of 2023, F.I.R. dated 13.04.2023 registered for the offence punishable under Sections 420, 467, 468, 471, 120(B) of the I.P.C.

3. The prosecution case, in short, is that in the light of order passed by Hon'ble High Court in PIL bearing CWJC No. 15459 of 2014 Vigilance Patna enquiry was made by Enquiry No. 1358 of 15 registered regarding the verification of educational certificate of 'Neojit' teacher district wise. That



Nodle Officer came district Program officer Madhubani available of folder bearing no. 31 and after perusal of folder it appears that petitioner Abul Kalam has appointed as a Panchayat teacher posted at Primary School chater Barbi as a Urdu Teacher and petitioner working from 03.01.2011 and said in petitioner also not given registration from the said post during amnesty period. Further alleged that experience certificate issued in the year 2008 bearing letter no. 13 dated 07.11.2008 and esquire the experience certificate of petitioner and on 03.01.2023 letter no. 2 found fake the and also seal on the said certificate is fake as annexure B attached in the F.I.R. It is further alleged that there is a provision of adding weitage of 20 marks for the person holding experience certificate of Lok Siksha/Anopcharik Siksha appointed rule petitioner obtained fake certificate to the benefit of wheitage of 20 marks. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that pursuant to the direction in PIL in CWJC No. 15459 of 2014, the present FIR has been instituted against the petitioner and other accused persons. He further submits that the allegation as alleged in the



F.I.R. is false and fabricated and the petitioner has not submitted forged certificate as alleged in the F.I.R. at the time of joining as Panchayat Shikshak. He further submits that in fact the petitioner had joined in the year 2011 and the present FIR has been instituted after 12 years of his joining and petitioner has submitted all the certificates which he has obtained from the competent Board/University at the time of joining service as Panchayat Teacher.

5. Learned counsel for the vigilance as well as APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that on the basis of the direction of the Hon'ble Court, the present FIR had been instituted and during course of investigation it had found that the petitioner had submitted the forged and fabricated certificate and for this reason the petitioner had terminated from the service in the year 2023 itself.

6. Considering the aforesaid facts, 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 anticipatory 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 Chief Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No.153 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)**

Prakash Narayan

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

