

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63666 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Mohammad Hussain (M), aged about 34 years, Son Of Mohammad Shahid,
Resident Of Village - Sheikhpura, Police Station - Rivilganj, District - Saran
At Chapra, At Present Primary School Dighwaa, Kachahari Tola, Police
Station - Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Baikunthpur P.S. Case No. 61 of 2023 dated 21.02.2023,
instituted under Sections 420, 467, 468, 471 and 120(B) of the
Indian Penal Code.

3. In compliance of order dated 17.10.2023, a
supplementary affidavit has been filed by the petitioner,
wherein, it is stated that the petitioner has already been
terminated from service and the copy of the termination order is
not being annexed with the supplementary affidavit as the same
has not been served upon the petitioner. He also undertakes that
he will not be taking any benefit of the employment and will not
challenge the termination of his service.



4. As per prosecution case, the petitioner submitted a forged mark sheet of BETET at the time of his appointment as a Panchayat Teacher.

5. The learned counsel for the petitioner submits that the petitioner has been selected for appointment as Panchayat Teacher vide letter no. 10 dated 03.02.2016 issued under the signature of the Panchayat Secretary, Gram Panchayat Raj, Dighawa Uttar, Block- Baikunthpur, District- Gopalganj and was posted on 10-02-2016 in Government primary school Dighwa, Kachhari Tola, Block- Baikunthpur, District- Gopalganj. It is next submitted that at the time of appointment all the certificates were verified by the authorities concerned and thereafter the petitioner was appointed as *Panchayat Teacher*. It is submitted that till the month of January 2023, the petitioner discharged his duties without any adverse remarks or any complaint, but in the month of February 2023, Baikunthpur P.S. Case No. 61 of 2023, has been registered against him on the recommendation of the Police Inspector, Vigilance Investigation Bureau, Bihar, Patna -cum- incharge Enquiry, District- Gopalganj vide letter no. 208 dated 20.02.2023 with the allegation that the petitioner has secured his appointment as Panchayat Teacher by furnishing forged marksheet of BETET,



which is not just and proper. Learned counsel for the petitioner submits that no show cause notice or any opportunity has been afforded to him to explain his case. The petitioner has the qualification of graduation and has also completed his teachers training course i.e. D.El.Ed. For the sessions 2017-19 through NIOS. It is submitted that the petitioner has no criminal antecedent.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 61 of 2023 dated 21.02.2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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