

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70639 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- RUDRAPUR District- Madhubani

MIHIR KUMAR JHA, Son of Late Madan Mohan Jha, Resident of Village-
Mohna, Police Station- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Ashok Kumar Choudhary, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Rudrapur P.S. Case No. 90 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code.

3. From the prosecution case, it appears that pursuant to the direction of this Court in C.W.J.C. No. 15459 of 2014, an enquiry has been conducted in connection with the persons, who have obtained employment as Panchayat/Block teachers. In course of verification, it has been found that the petitioner has succeeded in getting appointment on the basis of Basic Teacher Education Programme issued from Navbharat Shiksha Parishad,



Orissa, which is a fake institution, thus the present F.I.R.

4. It is submitted on behalf of the petitioner that from the notification appended to the F.I.R., it is evident that the institution, namely, Navbharat Shiksha Parishad, Orissa, has been notified as fake in the month of May, 2016 and, thus, it cannot apply retrospectively, inasmuch, as the petitioner has obtained the Basic Teachers Education Programme Certificate for the Sessions 2005-07. He further submits that at the time of his appointment, the entire certificates were duly verified and at no point of time any complaint has been made and considering the fact, till date he has been allowed to discharge his duty as a Block teacher. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in case need would arise, he would ensure his physical presence before the investigating officer for proper assistance or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has procured the appointment on the basis of forged certificate, issued by an institution, which is notified as fake.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



is still continuing on the post of Block teacher and the alleged appointment has been made in the year 2010 on the basis of the certificate, which was issued way back in the year, 2007, coupled with his fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Rudrapur P.S. Case No. 90 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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