

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71701 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- FESHAR District- Aurangabad

KAMLESH SINGH S/o Dwarika Singh R/o Village- Rupchand Bigha, P.O.-
Babu Amauna, P.S.- Daudnagar, Distt- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Vigilance Dept. : Mr. Anil Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as learned

counsel appearing on behalf of the Vigilance Department.

This application for grant of anticipatory bail arises
out of Phesar Police Station Case No. 39 of 2022 dated
05.04.2022, disclosing offence under Sections
420/467/468/471/120-B of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, lodged by the Vigilance Department, is that
the petitioner produced the forged and fabricated mark-sheet of
BETET at the time of his appointment as Panchayat Teacher in
the year 2014.

Learned counsel for the petitioner submits that the
petitioner appeared in the BETET examination and mark-sheet



was issued by the Bihar School Examination Board and at the time of his appointment, he produced the certificate, which was verified by the Bihar School Examination Board and on the basis of which the petitioner continued as Panchayat Teacher. He further submits that the C.D. was also called from the Bihar School Examination Board, which supports that the petitioner was issued certificate by the Bihar School Examination Board.

On the other hand, learned counsel for the Vigilance Department submits that the petitioner produced forged mark-sheet of BETET at the time of his joining and from perusal of the appointment letter at page-26 of the application, it would be evident that there is a specific condition that if the educational certificates/testimonials would be found forged and fabricated, legal action shall be taken against the appointee and amount received towards salary shall also be recovered. He next submits that pursuant to the order passed by Division Bench of this Court in CWJC No. 15459 of 2014 (PIL), the Vigilance Department inquiry was conducted for ascertaining the genuineness of the certificates produced by various Panchayat Teachers and while passing the order dated 22.06.2015, the Division Bench of this Court had granted general amnesty to the Panchayat Teachers to resign within 15 days, if they have



obtained appointment on the post of Panchayat Teachers by producing forged certificate and that amnesty was further extended by the Division Bench of this Court *vide* its order dated 14.07.2015 by further two weeks. The petitioner did not resign during this period and during the course of investigation it has been found that the BETET marksheet produced by the petitioner was forged and fabricated. He relies upon verification report granted by the Bihar School Examination Board on 31.07.2021, in which the certificate produced by the petitioner, has been found to be forged.

Regards being had to the submissions made by the learned Counsel for the parties concerned and taking into consideration the fact that the petitioner obtained the employment by producing forged certificate, which has been confirmed by the Bihar School Examination Board in its letter dated 31.07.2021, accordingly, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

