

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12125 of 2024

Arising Out of PS. Case No.-491 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Jyoti Kumari WIFE OF KAMLESH GUPTA RESIDENT OF VILLAGE-
AND PO- MURADABAD, PS- SASARM, DISTT- ROHTAS, AT PRESENT
R/O VILLAGE- KARAVANDIYA, PS- SASARAM (M), DISTT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kudra Police Station Case No. 491 of 2021, dated 15.12.2023, disclosing offences punishable under Sections 420/ 467/468/471/120-B of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioner has obtained employment as Panchayat Teacher on the basis of forged mark-sheet of matriculation.
4. Learned Counsel for the petitioner submits that that the petitioner had not submitted the forged mark-sheet before



the employment unit at the time of employment; rather the original mark-sheet was submitted by the petitioner. It is further submitted that in fact, the correct mark-sheet of the petitioner was not handed over to the Vigilance Enquiry Team and some person, due to oblique motive and having inimical terms with the petitioner, has handed over the fake mark-sheet of the petitioner to the Vigilance Team.

5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that certificate produced at the time of employment/ appointment, by the petitioner, was handed over in a folder by the District Programme Officer (Establishment), Kaimur, and Block Education Officer, Kudra. He further submits that in the folder, the certificate/ mark-sheet produced by the petitioner was kept and upon verification from the Jharkhand Academic Council, Ranchi, it has been reported that the mark-sheet produced by the petitioner, having Roll No. 0340, is fake. The Jharkhand Academic Council, Ranchi, has stated that the certificate incorporating Roll No. 0340, Roll Code-02128 having marks 426 i.e. 1st Division, has not been



issued by it, rather, the marks of the candidate, having Roll No. 0340, Roll Code-02128, is 336 (fail) and, therefore, the certificate/mark-sheet submitted by the petitioner has been marked as fake by the Jharkhand Academic Council, Ranchi. He also submits that the petitioner is still working as a Panchayat Teacher.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that on the basis of an order passed by this Court in a Public Interest Litigation, bearing C.W.J.C. No. 15459 of 2014, in which, this Court has ordered for vigilance inquiry to find out the genuineness of the certificate of Niyojit Teachers in the State of Bihar, the inquiry was conducted by the Vigilance Department and in the said inquiry, it has been found that the petitioner has obtained employment on the basis of forged and fabricated mark-sheet/certificates. Accordingly, I am not inclined to grant the privilege of anticipatory bail to the petitioner.
7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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