

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26606 of 2024

Arising Out of PS. Case No.-596 Year-2023 Thana- RAJGIR District- Nalanda

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Dhananjay Kumar S/o Sri Gopal Sharan Singh, Resident of Village-
Barhauna, P.O- Meyar, P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Lal Mohammad, Police Inspector-cum-Enquiry Officer, Vigilance
Investigation Bureau, Patna Division, Patna.

... .. Opposite Party/s

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Appearance:

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate
For the Vigilance	:	Mr. Anil Singh, Spl. PP
		Mr. Paritosh Parimal, Advocate
For the State	:	Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2024 Heard Mr. Bipin Bihari Singh, the learned counsel

for the petitioner, Mr. Anil Singh, the learned Special Public

Prosecutor for the Vigilance department and Mr. Ajay Mishra,

the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Rajgir PS Case No. 596 of 2023, FIR dated

02.12.2023, registered for the offences punishable under

Sections 420, 467, 468, 471 and 120(B) of the Indian Penal

Code.

3. According to prosecution case, the informant under

the orders of Hon'ble High Court in CWJC No. 15459 of 2014



had started an enquiry for verification of educational and training certificates of the contractual elementary teachers and during verification it was found that the petitioner got appointed to the post of Block Teacher by providing forged certificates.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case, pursuant to the direction passed in CWJC No. 15459 of 2014 (*Ranjit Pandit & Ors. Vs. The State of Bihar & Ors., PIL*), the present FIR has been instituted against the petitioner and other similarly situated co-accused persons and as per allegation in the FIR, the petitioner has provided certificate of PSTE from Assam, Guwahati and during the course of enquiry, it was found that the certificate submitted by the petitioner was found forged. Learned counsel for the petitioner submits that the petitioner has submitted the certificate, which he has obtained from the competent Board/University and he has not submitted any forged certificate as per allegation in the FIR and after institution of the present FIR, the DPO has issued a letter dated 09.03.2024, whereby he has directed the concerned authority to terminate the service of the petitioner.

5. The learned counsel for the Vigilance department



and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that till date the petitioner has not resigned from the post in question.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and DPO has already written a letter for termination of the service of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Biharsharif, Nalanda, where the case is pending in connection with **Rajgir PS Case No. 596 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial



Court.

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

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for cancellation of 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)

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