

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26229 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- BANMANKHI District- Purnia

Bipin Kumar S/o Maheshwari Mahto, R/o Village- Bela Darbiya, PO- Champawati, PS- Sarsi, District- Purnea.

... .. Petitioner

Versus

- 1. The State of Bihar
- 2. The Additional Director General of Police, Vigilance Investigation Bureau, Patna.

... .. Opposite Party/s

Appearance:

For the Petitioner	:	Mr. Madhu Prasun, Advocate Mr. Jitender Kumar, Advocate
For the Vigilance Deptt.	:	Mr. Arvind Kumar, Spl. PP Mr. Paritosh Parimal, Advocate
For the State	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-05-2024 Heard Mr. Madhu Prasun, the learned counsel for the petitioner, Mr. Arvind Kumar, the learned Special Public Prosecutor appearing on behalf of the Mines department and Mr. Ajay Mishra, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with ABP No. 71 of 2024, CIS No. 71 of 2024, arising out of Banmankhi PS Case No. 57 of 2023, FIR dated 11.02.2023, registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.



3. According to the prosecution case, an investigation was being made by the Vigilance Investigation Bureau, Patna regarding Educational/Training Certificates of '*Niyojit Shikshak*' and during the course of investigation it was found that the petitioner has made himself appointed to the said post by using forged certificate of BETET.

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 (CIF), the present FIR is instituted against the petitioner and other similarly situated persons. He further submits that the allegation levelled in the FIR is false and fabricated and the petitioner has submitted all the original documents, which he has received from the competent Board/University.

5. The learned counsel for the Vigilance department as well as the learned APP for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has not yet resigned from the post in question, but fairly submits that the process is going on for terminating the service of the petitioner and other similarly situated persons.



6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and process is underway for terminating 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, Purnea, where the case is pending in connection with **Banmankhi PS Case No. 57 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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