

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29842 of 2024

Arising Out of PS. Case No.-169 Year-2023 Thana- BEN P.S. District- Nalanda

Lala Mrityunjay @ Lala Mrityunjay Kumar S/o Sri Ramdeo Yadav Resident
of Village Panditpur P.S. Rajgir, 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

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2024 Heard Mr. Sunil Kumar Singh, learned counsel for
the petitioner and Mr. Ajay Mishra, learned APP.

2. The petitioner is apprehending his arrest in connection with Ben P.S. Case No. 169 of 2023 for the offence under sections 420, 467, 468, 471 & 120(B) of the I.P.C. lodged on 09.12.2023 by the informant, Lal Mohammad.

3. As per the prosecution story, the Vigilance Investigation Bureau which is the informant in this case alleged that the petitioner on forged certificate continued on the post of Block Teacher. Further, despite amnesty granted by the Patna High Court, he chose not to resign and later, upon enquiry, it was found that the certificate which was submitted by him regarding handicapped person, was found to be fake. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



has already suffered, having been terminated by the District Programme Officer (Establishment), Nalanda vide memo no. 1198 dated 11.03.2024. Further, he do not have criminal antecedent and will be diligently appearing in trial.

5. Learned APP, on the other hand, points out that earlier he defied the amnesty granted by the Patna High Court and even now, the document showing his termination is not on record.

6. To this, learned counsel for the petitioner submits that in that case, if his submission is found to be incorrect, the order may become infructuous.

7. Taking into account the aforesaid facts as also that now he is out of service, undertaking has been given that he will be diligently appearing in trial and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. However, if it is found that the statement regarding his termination is incorrect, the order shall become infructuous.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the



satisfaction of learned Judicial Magistrate-1st Class, Biharsharif, Nalanda, in connection with Ben P.S. Case No. 169 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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