

Arising Out of PS. Case No.-141 Year-2024 Thana- BANMANKHI District- Purnia

... .. Petitioner/s

Versus

- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bidhu Ranjan
For the Opposite Party/s	:	Mr. Ajay Mishra
For the Vigilance	:	Mr. Arvind Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2024 1. Heard learned counsel for the petitioner, learned
APP for the State, Mr. Ajay Mishra and the learned Special PP
for the vigilance, Mr. Arvind Kumar.

2. The petitioners seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The learned counsel appearing on behalf of the vigilance, at the outset, submits that petitioner has not resigned from the job and has approached this Court, seeking anticipatory bail, on which the learned counsel appearing on behalf of the petitioner submits that he has instructions to make submissions that petitioner will not resign as he has not obtained the job on



forged or fabricated mark sheet. It is also submitted by the learned counsel appearing on behalf of the petitioner that the FIR came to be instituted based on an enquiry conducted by the vigilance behind the back of the petitioner, it is next submitted that had an opportunity been given to the petitioner to explain his side of the case, perhaps the present FIR would not have been instituted. It is also submitted that vigilance in mechanical manner is implicating. It is next submitted that vigilance does not realise the trauma through which a person goes when he is implicated in a criminal case based on shoddy investigation.

4. It is next submitted that petitioner has taken the stand for the reason that he is aware that he has not been appointed based on a forged and fabricated certificate. It is further submitted that it absolutely does not stand to reason that on what basis the Bihar School Examination Board provides information to the vigilance about the authenticity of certificates leading to institution of FIR.

5. The learned counsel for the petitioner next submits that petitioner will not abscond nor will resign but will cooperate in the investigation to prove his innocence. It is next submitted that if during the course of investigation, the petitioner is able to prove his case that he was not appointed



based on forged and fabricated certificate, in that event, the Court should direct for initiating a Departmental proceeding against the informant and, at the same time, should direct the vigilance to institute an FIR against the official of the BSEB, who provided the information to the vigilance that petitioner has been appointed, based on forged and fabricated certificate. The Court completely concurs with the submission of the learned counsel appearing on behalf of the petitioner.

6. The learned Special P.P. for the Vigilance opposes the anticipatory bail application of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Banmankhi P.S. Case No. 141 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioner despite



giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after giving him an opportunity of hearing.

9. It is further made clear, that in the event, if it is found during the course of investigation that petitioner was appointed based on a genuine certificate, in that event, the DGP vigilance is directed to initiate a departmental proceeding against the informant of the case and at the same time an FIR be instituted against the erring official of the BSEB. However, if after investigation, charge-sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order along with the earlier direction shall lose its effect.

10. Let a copy of this order be sent to the Secretary, Bihar School Examination Board (BSEB) and the DGP Vigilance.

11. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

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