

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58542 of 2024

Arising Out of PS. Case No.-77 Year-2015 Thana- CHHATAPUR District- Supaul

1.

Ajay Kumar S/o Dharmdeo Yadav R/o vill - Maurakhap, P.S. - Shankarpur, Distt. - Madhepura
2.

Ashok Kumar S/o Arjun Prasad Yadav R/o vill - Maura Baghla, P.S. - Shankarpur, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Uday Chand Prasad, Adv.
Mr. Manoj Kumar, Adv.
Mr. Pooja Prasad, Adv.
For the Opposite Party/s :

Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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09-08-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chhatarpur P.S. Case No. 77 of 2015, instituted for the offence punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. The prosecution, in short is that the applications were invited from the qualified candidates of BETET (Teacher Eligibility Test). The appointment committee prepared a list on the basis of certificate received from the applicant including the petitioners and it was sent to the office of the District Education Officer, Supaul. On verification, it was found that the petitioners



including other candidates were unqualified candidates of TET.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that F.I.R. was lodged against 42 accused persons including the petitioners. It is submitted that they have not procured any forged TET certificate/marksheets rather they have produced the same from BSEB, Patna. It is submitted that the said certificate/marksheets produced by the petitioners were not verified from Bihar School Exam Board, Patna, rather the District Education Officer, Supaul verified the marksheets at his own level. It is further submitted that the petitioners were neither appointed as Panchayat Teacher nor they hold any post of Teacher and also did not receive any benefit from the said post of Teacher. It is submitted that similarly situated persons have been granted bail *vide* order dated 17.02.2024 passed in Criminal Miscellaneous No. 5573 of 2024. Lastly, it has been submitted that petitioner no. 1 has three criminal case against him and petitioner no. 2 has four criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Chhatarpur P.S. Case No. 77 of 2015, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will



be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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