

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64625 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

MD. ZAKARIYA ANSARI Son of Md. Wassey Ansari R/o Village- Nayatola,
Puraini, P.S.- Jagdishpur, District- Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kr. Upadhyay, Advocate
	:	Ms. Tetara Kumari, Advocate
	:	Mr. Raju Prasad, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Arbind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2024 Heard Mr. Mithilesh Kumar Upadhyay, learned
counsel for the petitioner, Mr. Arbind Kumar, learned counsel
for the Vigilance and Mr. Ajay Mishra, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jagdishpur P.S. Case No. 533 of 2023, F.I.R. dated 01.12.2023 for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. According to prosecution case, the petitioner has got the job on the basis of the forged certificate.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.



He further submits that pursuant to the direction passed in C.W.J.C. No. 15459/2014 (PIL), the present FIR has been instituted against the petitioner and other similar situated persons in the entire Bihar. He further submits that the petitioner has submitted the certificate which he has obtained from the competent Board/University at the time of joining as Assistant Teacher in Middle School, Mustafapur. He further submits that the petitioner has suo motu resigned from the post in question on 26.09.2024.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the Vigilance on the other hand, have vehemently opposed the prayer for bail of the petitioner and submit that it has come during the investigation that certificate produced by the petitioner is forged and on that basis the present FIR has been instituted against the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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, Bhagalpur in connection with



Jagdishpur P.S. Case No. 533 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

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 court below 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 court below 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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