

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66787 of 2023

Arising Out of PS. Case No.-310 Year-2021 Thana- KALYANPUR District- Samastipur

DILIP KUMAR JHA S/O SRI VIDYA SAGAR JHA VILLAGE- GAONPUR,
PO- BHAGWATPUR, PS- SARAI RANJAN, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ankit Katriar, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 12-01-2024 Heard learned counsel for the petitioner, learned counsel for the Vigilance and learned APP for the State..

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case 310 of 2021 registered for offence under Section 420, 467, 468, 471 and 120B of the Indian Penal.

3. The allegation against the petitioner is that he got the appointment on the post of Block Teacher on the basis of forged experience certificate.

4. Learned counsel for petitioner submits that the petitioner is innocent and has not committed any of the offence as has been alleged by the complainant. The allegation made against the petitioner is unsubstantiated, fabricated, concocted and baseless. It is further submitted that petitioner is a physically handicapped



person with 45% of disability. It is further submitted that the experience certificate, on the basis of which the petitioner was appointed as Block Teacher had been issued by the District Public Education Officer, Samastipur. The legitimacy and the question of the authenticity of the certificate is answerable by none other than the said authority. The Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned Counsel for the vigilance opposed the bail application by submitting that the petitioner has got appointment on the forged experience certificate. Learned counsel for the Vigilance further submitted that earlier vide order dated 24.11.2022 passed in Cr. Misc. No.40908 of 2022, the petitioner was granted anticipatory bail by this Court on the verbal undertaking given by his learned counsel, namely, Md. Hussamuddin Azad, who was appearing in that case on behalf of the petitioner, that before furnishing his bail bond, the petitioner will resign from the service. By order dated 24.11.2022, the learned Court below was directed to accept the bail bond of the petitioner after verifying the fact that whether the petitioner has resigned from his service or not and in case it is found that he has not resigned from the service, his bail bond shall not be accepted. The petitioner challenged this



condition by filing Special Leave to Appeal (Crl.) No.163 of 2023 before the Hon'ble Apex Court and vide order dated 25.04.2023, the Hon'ble Apex Court pleased to allow the petitioner to withdraw the application for anticipatory bail and set aside the order passed by this Court. Hence, the petitioner has again moved before this Court renewing his prayer.

6. It has come on record in the counter affidavit filed by the Vigilance that the Office of the District Education Officer, Samastipur vide its letter no.344, dated 25.06.2021 has informed the Dy. S.P.-cum-Inquiry Officer, District Samastipur, Vigilance Investigation Bureau, Patna that the experience certificate submitted by the petitioner with description Father's name Vidya Sagar Jha, Experience Certificate No.1120 dated 08.11.2008 has not been issued by the office of District Education Officer, Samastipur as per the District Education Office dispatch register.

7. Being aggrieved with the investigation, the petitioner filed a writ petition before this Court, bearing C.W.J.C. No.20651 of 2021, and by order dated 21.04.2022, the petitioner was directed to file an appeal before the District Appellate Authority and in compliance of the aforesaid order, the petitioner filed an appeal bearing Appeal No.20 of 2023, which is now pending.



8. It appears that the petitioner has not challenged the said letter no.344 dated 25.06.2021 in which petitioner's name is at serial no.3, where it is mentioned that the experience certificate of the petitioner is wrong, before any appropriate forum or before the Court because not a chit of paper has been brought on record by him in this regard.

9. From perusal of records, it further appears that the petitioner was granted anticipatory bail by order dated 24.11.2022 passed in Cr. Misc. 40908 of 2022 on the condition that he will resign from the service, as per the undertakings given by his earlier counsel, namely, Md. Hussamuddin Azad, who was appearing in the case. In this case, the petitioner has changed his counsel and engaged Mr. Ankit Katriar, learned Advocate, for the reasons best known to him.

10. It further appears that despite opportunity given by a coordinate Bench of this Court in C.W.J.C. No.15459 of 2014 to all the teachers who were appointed on contract basis on the basis of forged certificate to resign, the petitioner chose not to resign and continued to draw monetary benefit as Prakhanda Teacher in spite of the fact that his experience certificate was found fake, rather he chose to move before this Court and the Hon'ble Apex Court.



11. An experience certificate is a document which an employee receives after employment. It gives us details about past job experience and associated information. It is important to note that producing fake document is considered as a grave misconduct and a breach of trust. The intention or *mens rea* behind producing fake/forged certificate itself is seen as a breach of trust and lead to severe consequences, including dismissal from service. In the present case, a coordinate Bench of this Court in C.W.J.C. No.15459 of 2014 had given opportunity to all the teachers who were appointed on contract basis on the basis of forged certificate to resign from the service but this petitioner has not tendered his resignation. Again, by order dated 24.11.2022 passed in Cr. Misc. No.40908 of 2022 by this Court, while granting anticipatory bail to him, on the undertakings given by his counsel, who was appearing in Cr. Misc. No.40908 of 2022, that before furnishing his bail bond he will resign from the service but the petitioner has not resigned rather preferred an appeal before the Hon'ble Apex Court against the order passed by this Court.

12. From the conduct of the petitioner, it is candidly clear that the petitioner is adamant not to resign from the service and trying to play hide and seek from the rule of law, which is



highly deprecated.

13. Having heard the parties at length, considering their rival submissions, gone through the material available on record and for the reasons as stated in the foregoing paragraphs, I am not inclined to enlarge the petitioner on anticipatory bail.

14. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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