

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66898 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- KISHANGANJ District- Kishanganj

Ashwani Raj Son of Jay Prakash Singh Resident of Village - Dharhara, Police
Station - Paliganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kishanganj P.S. Case No. 179 of 2023, registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Based upon the written report, it is alleged that the petitioner along with others have obtained appointment on the post of Special Survey Amin on the basis of forged and fabricated documents.

4. Learned Advocate for the petitioner contended that the very appointment of the petitioner on the post of Special Survey Amin was made by the Revenue Department, after following all the recruitment process. From the FIR, it does not



transpire that which document was found to be forged by the department. Drawing the attention of this Court to Annexure-2 to the bail application, it is further contended that similarly situated persons moved before this Court in CWJC No. 1643 of 2022, which came to be disposed off by this Court on 02.03.2022, directing the respondent department to initiate a disciplinary proceeding/domestic enquiry, in view of the fact that the termination of the petitioner on the ground of producing fake diploma certificate attaches stigma. It is further contended that other co-accused person, having identical allegation, have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 53897 of 2024 vide order dated 28.08.2024 and in Cr. Misc. No. 70788 of 2024 vide order dated 12.11.2024. It is lastly contended that, be that as it may, now the petitioner has already been terminated and, as such, he has already been punished appropriately.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner has procured the appointment on the basis of forged certificate and by this way, caused irreparable loss to the government exchequer.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the petitioner has already been terminated from his services, coupled with the fair antecedent and the direction of this Court aforementioned, whereby the respondent department has been directed to initiate a departmental proceeding against the petitioner and others, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 179 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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