

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69384 of 2024

Arising Out of PS. Case No.-361 Year-2021 Thana- KALYANPUR District- Samastipur

Subhash Kumar Singh Son of Ramchandra Prasad singh Resident of Village -
Chandharpur, P.S. - Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Mishra, Adv. Mr. Shubhesh Pandey, Adv.
For the Opposite Party/s	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard Mr. Amit Kumar Mishra, learned Advocate for

the petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Kalyanpur P.S. Case No. 361 of 2021, registered for the
offences punishable under Sections 420, 467, 468, 471 and
120B of the Indian Penal Code.

3. The allegation against the petitioner is of procuring
his appointment as a Niyojit Teacher on the basis of forged and
fabricated certificate which resulted in the institution of the
present FIR. It is further alleged that in compliance of the order
of the Hon'ble Court an enquiry was conducted and the
academic certificate of all the suspected Niyojit Teachers were



verified and after verification, FIR has been instituted against those persons whose certificates were found to be forged and fabricated; the petitioner is one of them.

4. Learned Advocate for the petitioner contended that the petitioner was duly appointed on the post of Panchayat Teacher in the year 2012 after proper verification of his academic certificate issued by the competent authority. However there had never been any complaint against the petitioner but subsequently an enquiry was conducted behind the back of the petitioner and after declaring the certificate of the petitioner forged and fabricated, his service has been dispensed with. It is next contended that now the petitioner has already been punished and he is out of service, coupled with the fact that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court. Other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by this Court (Annexure-2 to the bail application) and the case of the petitioner is based on parity, is the contention of the learned Advocate for the petitioner.

5. On the other hand, learned Advocate for the State opposes the bail application and submits that the petitioner by



procuring the appointment on forged and fabricated certificate has usurped the public exchequer and thus he does not deserve the privilege of anticipatory bail.

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 service, coupled with his fair antecedent and the case of the petitioner is based on parity, let the petitioner abovenamed 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, Samastipur in connection with Kalyanpur P.S. Case No. 361 of 2021, 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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