

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71325 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- KOTWA District- East Champaran

Rakesh Kumar Srivastava Son Of Jai Narayan Prasad Sriwastava Resident Of
Village - Dharam Samaj Chowk, P.S.- Chhatauni, District - East Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the State : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Prateek Tandon, learned counsel for the
petitioner and Mr. Ajay Mishra, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kotwa P.S. Case No. 395 of 2022, F.I.R. dated
01.10.2022 for the offences punishable under Sections 420, 467,
468 and 471 of the Indian Penal Code.

3. According to prosecution case, in the light of the
letter no.885 dated 06.04.2022 District Education Officer, East
Champaran filed a petition before SHO Kotwa P.S. alleging that
CTET/BTET certificate of petitioner for the post of teacher was
found forged.

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



present FIR instituted after a delay of three years in fact the petitioner had submitted his original certificate in the year 2019-20 and the present FIR instituted in the year, 2022. He further submits that the petitioner has submitted original certificate which he has received from the competent university/board and the petitioner has never appointed on the post in question pursuant to the submission of the certificate.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of 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, Motihari, East Champaran in connection with Kotwa P.S. Case No. 395 of 2022, 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)

ajay/-

U		T	
---	--	---	--

