

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81034 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- PASRAHA District- Khagaria

Sanjay Das S/O Jagdish Das Village- Birbasa, P.S. Pasraha, Dist. Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr.Manoj Kumar Singh, learned counsel for the petitioner, 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 Pasraha P.S.Case No.21 of 2023, FIR dated 11.02.2023 registered for the offences punishable under Sections 420, 467, 468, 471 & 120(B) of IPC.

3. That the prosecution case in brief is that the informant Uma Shanker Singh submitted a written report against Sanjay Das he has been entrusted work of verification of the educational and training certificate of the Niyojit Teacher for Khagaria District and accordingly he verified the certificate of petitioner Sanjay Das was found fake. From the verification the



mark sheet was mismatched. It is further alleged against petitioner of obtaining job of teacher on the basis of fake certificate and not resigned during amnesty period.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner 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. In fact the petitioner has furnished all the original documents which he has received from the competent Board/University at the time of joining as a Shiksha Mitra in the District of Khagaria.

5. Learned counsel for the Vigilance and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that despite of the FIR the petitioner has not resigned from the service as yet so the petitioner is not entitled for grant of anticipatory bail.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of forty five 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 learned Judicial Magistrate-1st Class, Khagaria in connection with Pasraha P.S.Case No.21 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 is directed to produce the resignation letter at the time of furnishing his bail bond duly accepted by the competent authority and if the petitioner will produce the resignation letter accepted by the competent authority then the bail bond of the petitioner shall be accepted by the learned court below.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) 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.

(IV) 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/her 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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