

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81744 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- JANKINAGAR District- Purnia

Ambuj Kumar S/O Gajendra Prasad Yadav @ Gajendra Prasad Village-
Latraha,Ps. B. Kothi, Dist. Purnea Petitioner/s
Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau, Bihar Patna Bihar, Patna
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP
For the Vigilance : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioner, Mr. Arvind Kumar, learned counsel appearing on behalf of the Vigilance as well as Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jankinagar P.S. Case No. 187 of 2022, F.I.R. dated 28.07.2022 for the offences punishable under Sections 166, 217, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. According to prosecution case, petitioner has obtained the appointment as a Panchayat teacher in the year 2014 on the basis of forged and fabricated certificate.

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 pursuant



to the order of this Hon'ble Court passed in C.W.J.C No. 15459 of 2014 (PIL) the present F.I.R has been instituted against the petitioner and other similarly situated co-accused persons. The allegation as alleged in the F.I.R is that the petitioner has obtained the appointment as a Panchayat teacher in the year 2014 on the basis of forged and fabricated certificate. He further submits that he has submitted all the original certificates which he has received from the competent authority/university at the time of his appointment. He further submits that after the lodging of the F.I.R the petitioner has been dismissed from services.

5. The learned counsel appearing on behalf of the Vigilance as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has submitted forged and fabricated certificate.

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, Purnea in connection with Jankinagar P.S. Case No. 187 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)

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