

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83843 of 2024

Arising Out of PS. Case No.-67 Year-2017 Thana- VIGILANCE District- Patna

=====

Ram Awtar Ram @ Shri RamAvtar Ram Son of Late Grahnam Resident of
Village- Khutahan, P.S.- Nasriganj, P.O.- Pawani, District- Rohtas

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate Mr. Kanishk Kaustubh, Advocate
For the O.P./Vigilance	:	Mr. Arvind Kumar, Adv. Spl. P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 19-12-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Vigilance P.S. Case No. 67 of 2017 registered under Sections 406, 420, 467, 468, 201, 120B of the I.P.C. read with Section 13(2) & 13(1)(d) of the Prevention of Corruption Act, 1988.

3. As per the prosecution case selection process for appointment of Panchayat Teacher was initiated in the year 2008, for which counselling was held in February, 2009. After counselling, merit list was prepared by the Selection / Appointment Committee on 09.02.2009. One candidate namely, Aftab Ansari got 67.54 % + 20 extra weightage marks on the ground of his experience for which experience certificate was submitted by him, which was found to be forged subsequently. One candidate namely, Md. Asgar Ali filed a writ application



bearing C.W.J.C. No. 10802 of 2011 challenging the appointment of Aftab Ansari on the ground that he secured 69.18% but in the merit list Aftab Ansari has been placed above him due to marks of experience given to him based upon forged certificate, upon which the High Court directed the Vigilance Investigation Bureau to institute a case and conduct enquiry and pursuant thereto Vigilance P.S. Case No. 67 of 2017 was registered.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to oblique motive inasmuch as the petitioner was not a part of the selecting body, which prepared the merit list based upon the experience certificate of Aftab Ansari. After counselling held some time in 2009 merit list was prepared and declared on 09.02.2009. The petitioner was not posted in the concerned Panchayat at the time of publication of the merit list and he joined the Panchayat in July, 2009. After joining with the joint signature of Mukhiya appointment letters were issued to the respective candidates on 14.08.2010 based upon the merit list prepared prior to the joining of the petitioner. The petitioner fully co-operated in the investigation pursuant to notice given by the Vigilance Department. After investigation, Police has submitted charge



sheet on 14.09.2019 and cognizance was taken by the learned Special Court but the petitioner could not get the summon and in the year 2024 he got summon and filed anticipatory bail application, which was dismissed for default, due to which second anticipatory bail application was filed by the petitioner which got dismissed on 26.09.2024. Hence the present application for bail.

5. On the other hand, Mr. Arvind Kumar, learned counsel appearing for the Vigilance Investigation Bureau vehemently opposed the prayer for anticipatory bail and submits that the petitioner before issuance of appointment letter failed to check the authenticity of the experience certificate. As per practice and norms, just after issuance of appointment letter, the testimonials / certificates are to be sent by the concerned Panchayat Secretary for verification, which the petitioner failed to do.

6. Having regard to the submission made by the parties, taking into consideration the materials on record, the fact that at the time of preparation of merit list the petitioner was not present there as Panchayat Secretary, the petitioner co-operated with the Vigilance Department during the course of investigation, charge sheet has been submitted, there is no



apprehension that the petitioner will abscond or tamper with the evidence and charge-sheet has been submitted based on documentary evidence, for which custodial interrogation of the petitioner may not be necessary, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Vigilance), Patna in connection with Vigilance P.S. Case No. 67 of 2017 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that the petitioner will co-operate during the course of trial and will appear on each and every date and in case on absence on two consecutive dates without prior permission of the trial court, his bail bond shall liable to be automatically cancelled.

(Anil Kumar Sinha, J)

praful/-

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

