

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80814 of 2023

Arising Out of PS. Case No.-373 Year-2023 Thana- BARHARA District- Bhojpur

Santosh Kumar Son Of Ram Pujan Ram Resident Of Village- Rampur P.O.
Pawna, P.S. Garhani, District- Bhojpur At Ara, Pin Code 802201 (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Superintendent Of Police, Vigilance Investigation Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Uday Kumar, learned counsel for the petitioner, Mr. Arvind Kumar, learned counsel appearing on behalf of the Vigilance as well as Mr. Ajay Mishra, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barhara P.S. Case No. 373 of 2023, F.I.R. dated 15.06.2023 for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the petitioner has obtained the appointment on the basis of false and fabricated experience 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. He further submits that the allegation against the petitioner is that the petitioner has submitted the experience certificate which was forged and fabricated. He submits that in fact, he has submitted the experience certificate which was received by him from competent authority. He further submits that after the present 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 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, Bhojpur at Ara in connection with Barhara P.S. Case No. 373 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 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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