

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84239 of 2023

Arising Out of PS. Case No.-284 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Shambhu Singh S/O Late Dharmraj Singh R/O Village- Pipra, P.S-
Sidhwaliya, Distt.- Gopalganj.

... .. Petitioner/S

Versus

1. The State Of Bihar.
2. The Police Inspector-Cum-Assistant Examiner, Vigilance, Investigation Bureau, Patna. Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Advocate
For the Vigilance	:	Mr. Rana Vikarm Singh, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Lokesh Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Rana Vikarm Singh, learned counsel for the Vigilance and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mohammadpur P.S. Case No. 284 of 2022 registered for the offence(s) punishable under Sections 420, 467, 468, 471, 120 (B) of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner being the Panchayat Secretary, had issued an appointment letter of one Rina Kumari, who had obtained her appointment as Niyojit Panchayat teacher on the basis of forged educational



certificate.

4. Mr. Lokesh Kumar Singh, learned counsel appearing on behalf of the petitioner submitted that the Gram Panchayat Raj Shikshak Niyojan Ekai, Parsauni (Appointment Committee), Block Baikunthpur, District- Gopalganj after scrutinizing the documents, including educational qualification had recommended the name of the said Rina Kumari for her appointment as Niyojit Panchayat teacher. It was later on detected that she managed to get appointment on the basis of fake B.E.T.E.T. mark-sheet. The main accuse Rina Kumari has already been released on bail after she has been terminated from the service. The petitioner had issued appointment letter only on the recommendation of the Gram Panchayat Raj Shikshak Niyojan Ekai and as such he can not be held solely to have involved in the illegal appointment of the Niyojit Panchayat teacher. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Mr. Rana Vikram Singh, learned counsel appearing on behalf of the Vigilance referring to the paragraph no.12 of the counter affidavit, filed on behalf of the State Vigilance, submitted that the appointment letter of accused Rina Kumari issued vide letter no.10 dated 23.07.2024 with the signature of



petitioner Shambhu Singh, who being the Panchayat Secretary and Ex-officio Secretary, put his signature on the merit list of the Gram Panchayat Raj Shikshak Niyojan Ekai without verifying the authenticity of the B.T.E.T., 2011 result. He further submitted that after investigation, the B.E.T.E.T. mark-sheet submitted by the Rina Kumari was found to be forged and she has been removed complicity of the petitioner can not be denied in commission of offence.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR on the basis of direction of this Court in CWJC No.15459 of 2014, the appointment at the Gram Panchayat Raj Shikshak Niyojan Ekai, was to be done in accordance with the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2012. The petitioner, being the Government servant, had issued the appointment letter to the co-accused Rina Kumari, who had obtained the appointment on the basis of forged and fabricated mark-sheet, has been granted pre-arrest bail. The petitioner, who on the recommendation of the appointment committee, had issued the appointment letter has, prima facie,



made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his 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 Additional Chief Judicial Magistrate – VII, Gopalganj in connection with Mohammadpur P.S. Case No. 284 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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