

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84311 of 2023

Arising Out of PS. Case No.-54 Year-2019 Thana- DHORAIYA District- Banka

Niraj Kumar Son Of Vijay Chandra Sah R/O Village- Ramkol, P.S.- Panjwara,
Dist.- Banka

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP
For the Vigilance	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Brij Nandan Prasad, learned counsel for

the petitioner, Mr. Arvind Kumar, learned counsel appearing on

behalf of the Vigilance as well as Mr. Md. Ataur Rahman,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Dhoraiya P.S. Case No. 54 of 2019, F.I.R. dated
16.03.2019 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 appointment as the Panchayat Teacher on the basis of
forged document.

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 direction of this Hon'ble Court passed in CWJC No. 15459 of 2014 the present F.I.R has been instituted against the petitioner and other similarly situated persons. He further submits that the allegation as alleged in the F.I.R is that the petitioner has furnished the false certificate for obtaining the service in question. He further submits that in fact, the petitioner has submitted the original documents which he has received from the competent authority/university. He further submits that after lodging of the present F.I.R that petitioner has resigned from the service. He further submits that the similarly situated co-accused, namely, Anju Kumari has been granted anticipatory bail by the Hon'ble Court vide order dated 29.11.2019 passed in Cr. Misc. No. 77814 of 2019, co-accused, namely, Binod Kumar Singh has been granted anticipatory bail by the Hon'ble Court vide order dated 20.11.2019 passed in Cr. Misc. No. 63363 of 2019 and another co-accused, namely, Basukinath Singh has been granted anticipatory bail by the Hon'ble Court vide order dated 20.11.2019 passed in Cr. Misc. No. 63423 of 2019.

5. The 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 Judicial Magistrate 1st Class, Banka in connection with Dhoraiya P.S. Case No. 54 of 2019, 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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