

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83890 of 2023

Arising Out of PS. Case No.-798 Year-2022 Thana- KHAGARIA District- Khagaria

1. Satyendra Kumar Singh S/o Sri Surendra Kumar Singh R/o vill - Kajwalichak Behind Yatim Khana, P.O. - Jagdishpur, P.S. - Tatarpur, Distt. - Bhagalpur
2. Md. Maqusood Alam Son of Rahimuddin R/o vill - Nayatola, Dharhar, P.O. - Nasandara, P.S. - Bahadurganj, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard Mr. Ravindra Nath Dubey, learned counsel appearing on behalf of the petitioners and Mr. Md. Ataur Rahman, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Khagaria P.S. Case No. 798 of 2022 registered for the offence punishable under Sections 409, 419 and 420/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the Assistant Settlement Officer (Headquarter), Khagaria had written a letter no. 235-I dated 29.07.2022 addressing to the Officer-in-Charge, Chitragupta Nagar, Khagaria P.S. for registration of F.I.R. against the petitioners who on the basis of fake certificate got



employment on the post of Special Surveyor *Amin*.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners were appointed on the contractual basis and there is no question of any fake certificate produced by the petitioners in getting appointment. The F.I.R. itself is not sustainable in view of the allegation made against the petitioners. Learned counsel further submitted that the appointment of the petitioners has been cancelled and the recovery of payment against the similarly situated *Amins*, who have also been found to have been appointed on the basis of fake certificate have been quashed by this Hon'ble Court. Learned counsel has relied upon two orders/judgments of this Hon'ble Court passed in CWJC No. 3675 of 2023 and CWJC No. 3260 of 2023. Both the orders/judgments were passed on 10.08.2023 by this Hon'ble Court. He further submitted that several contractual *Amins* have been released on anticipatory bail by this Hon'ble Court and in this regard, he has produced order dated 19.08.2023 passed in Cr. Miscellaneous No. 50895 of 2023 and Cr. Miscellaneous No. 53017 of 2023. Petitioners are innocent and on these grounds, they seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made in the FIR as well as the fact that some of the petitioners had filed their writ application and this Court had interfered in the matter. The appointment of the petitioners have already been cancelled. Similarly situated other co-accused have been granted anticipatory bail by this Court. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 798 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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