

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.201 of 2024

Arising Out of PS. Case No.-165 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Vijay Kumar Singh Son Of Samundra Narayan Resident Of Village-
Dudhalia, Po Kukurdaura, Ps- Laukahi, Dist- Madhubani Presently Posted As
Niyojit Prakhand Teacher At Utkramit Madhya Vidyalaya, Belha, Block-
Ghoghardiha, Distt- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Dept. Of Vigilance Niyojit Teacher Verificatin Cell, Patna, Bihar Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Jitendra Bharti, 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 Ghoghardiha P.S. Case No. 165 of 2023, F.I.R.
dated 30.10.2023 for the offences punishable under Sections
420, 467, 468, 471 and 120B of the Indian Penal Code.

3. According to prosecution case, the experience
certificate of the petitioner was found to be forged and
fabricated which he has used for obtained appointment on the
post of Prakhand Teacher.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the allegation against the petitioner is that he has furnished forged experience certificate for obtaining the job as Prakhanda Teacher under Block Ghoghardiha in the year 2006. He further submits that for the same set of allegation the state respondent has filed Ghoghardiha P.S. Case No. 08 of 2011 in which the petitioner has been granted privilege of anticipatory bail and thereafter the vigilance department has filed the present F.I.R. in pursuant of the order passed in CWJC No. 15459 of 2014 (PIL). He further submits that pursuant to the Ghoghardiha P.S. Case No. 08 of 2011 the petitioner and other similarly situated persons have challenged the termination but the same was disposed of with the direction to petitioner to approach the appropriate forum in accordance with law i.e. Education Tribunal. He further submits that pursuant to the direction of this Hon'ble Court, the petitioner had approached the District Teachers Appointment Appellate Tribunal vide Case No. 187 of 2012 and which was disposed of vide order dated 19.12.2022 by



which the Tribunal has found that the certificate furnished by the petitioner was genuine and petitioner has not submitted any forged and fabricated experience certificate. He further submits that pursuant to the direction of the Tribunal the petitioner has reinstated and thereafter, the present F.I.R was instituted for the same set of allegation. He further submits that a large number of persons have been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 31.02.2024 passed in Cr. Misc. No. 2769 of 2024, vide order dated 10.01.2024 passed in Cr. Misc. No. 82276 of 2023 and vide order dated 20.12.2023 passed in Cr. Misc. No. 65215 of 2023 and one Pramod Kumar Singh has also been granted anticipatory bail vide order dated 07.02.2024 passed in Cr. Misc. No. 3534 of 2024.

5. The learned counsel appearing on behalf of the Vigilance as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that the case of the petitioner was duly considered by the Education Tribunal and it has been found that the certificate of the petitioner was genuine and for the same set of allegation the



second F.I.R was instituted against him and other accused persons have been granted anticipatory bail, 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, Jhanjharpur, District- Madhubani in connection with Ghoghardiha P.S. Case No. 165 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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