

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2266 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Pawan Kumar Son Of Mahaveer Yadav Resident Of Village- Balanpatti, Po- Laxmipur, Ps- Laukaha, Dist- Madhubani, Prsently Posted As Niyojit Prakhand Teacher At Utkramit Madhya Vidyalaya, Basuari, Block- Ghoghardiha, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Department Of Vigilance, Niyojit Teacher Verification Cell, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-01-2024 Heard Mr. Jitendra Kumar Bharti, learned counsel

 appearing on behalf of the petitioner and Mr. Arvind Kumar,

 learned Additional Public Prosecutor for the State as well as

 learned counsel for the Vigilance.

2. The petitioner apprehends his arrest in connection with Ghoghardiha P.S. Case No. 159 of 2023, registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. It is alleged that the petitioner has obtained appointment on the post of Prakhand Teacher on the basis of forged and fabricated experience certificate. In the light of the order passed by the Hon'ble Court an enquiry has been conducted wherein the testimonials/ experience certificate of all



the suspected candidates were verified and during the enquiry the experience certificate of the petitioner has been found to be forged.

4. Learned counsel appearing on behalf of the petitioner submits that earlier in the year 2011 for the same occurrence Ghoghardiha P.S. Case No. 8 of 2011 was instituted against the petitioner and others, leading to termination of the services of the petitioner. On being aggrieved the petitioner has assailed the order of termination, which was set aside by the Appellate authority, Madhubani, vide order dated 19.12.2012 in case no 187/06/2012 and thereupon the petitioner reinstated and continued in his service. However, again the services of the petitioner has been terminated on the basis of further enquiry apart from the institution of the present case. He next submitted that the petitioner is himself a victim of the circumstances as the experience certificate was issued by the competent authority. He lastly submits that he is ready to cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State as well as Vigilance opposed the pre-arrest bail application and submits that during the course of enquiry the experience certificate of the petitioner has been found to be forged. He vehemently submitted that the said enquiry has been conducted



in the light of the order of the Hon’ble Court by the Vigilance department.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that earlier on the same allegation, the services of the petitioner was terminated which was later on set aside and the petitioner has been reinstated and again on the fresh enquiry the certificate of the petitioner have been found to be forged and now he has again been terminated, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-Ist Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 159 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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