

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26537 of 2025

Arising Out of PS. Case No.-308 Year-2019 Thana- BANIAPUR District- Saran

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Sunil Kumar Baitha Son of Late Kashinath Baitha Resident Of Village-
Barkagaon, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Adv.

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-05-2025 Heard Mr. Ram Binod Singh, learned counsel for the
petitioner and the State.

2. The petitioner apprehends his arrest in connection with Baniapur P.S. Case No. 308 of 2019 for the offence registered under sections 420, 467, 468, 471 & 120(B) of IPC lodged on 10.10.2019 by the informant, Ramniwas Choudhary.

3. As per the prosecution story, the informant alleged that he was serving at Baniapur, Saran as a teacher but pursuant to the order of the Patna High Court in CWJC No. 15459 of 2014, the vigilance enquiry conducted and found the certificate to be forged, which led to the FIR.

4. Learned Counsel for the petitioner submits that earlier, he resigned from the post but the same was not accepted forcing him to sent the second resignation on 27.02.2025. His categorical submission is that the petitioner has resigned from the post.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has misused the privilege granted by the Division Bench in the aforesaid case whereby the Court asked everyone with certificate to resign and continued on the post for long.

6. Considering the submissions of the parties as also that the petitioner has no criminal antecedent, though belatedly, he has resigned and is ready to face the trial, in that background, this Court is inclined to grant him the anticipatory bail with conditions. However, if it is found that the petitioner has not resigned and false statement has been made in Court, the prosecution shall take immediate steps for the cancellation of his bail bond.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra in connection with Baniapur P.S. Case No. 308 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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