

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63951 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- PARWALPUR District- Nalanda

Dharmendra Kumar Son of Baliram Prasad Resident Of Village- Khedu
Bigha, P.S.- Bain, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance Department, Bihar, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate
For the Vigilance : Mr. Arvind Kumar, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Mr. Shivjee Singh, learned counsel for the

petitioner and Mr. Arvind Kumar, learned Special P.P. for the

Vigilance.

2. The petitioner is apprehending his arrest in connection with Parwalpur P.S. Case No. 206 of 2023, F.I.R. dated 07.12.2023 registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that he produced the forged/disabled certificate at the time of appointment in the Panchayat Teacher.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. It appears that pursuant to the



order passed in C.W.J.C. No. 15459 of 2014 (PIL), the present F.I.R. was instituted against the petitioner and other similarly situated co-accused persons alleging therein that the petitioner has filed the forged/disabled certificate at the time of the appointment in the Panchayat Teacher. He further submits that an enquiry was conducted in which the authority had not enquired the matter with respect to the petitioner as well as Staffs of Civil Surgeon Office and without examining the concerned authority they have submitted report against the petitioner. He further submits that the petitioner has produced the disabled certificate which was issued after constitution of the Board by the competent authority and the same was produced before the authority concerned.

5. Learned counsel for the Vigilance has filed a counter affidavit stating therein that the authority concerned has asked the concerned authority of the Health Department about the genuineness of the certificate in question of the petitioner then the authority has informed the concerned authority that the same was not issued from the Office of the Civil Surgeon, Nalanda.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, District-Nalanda in connection with Parwalpur P.S. Case No. 206 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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