

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66497 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- KESARIA District- East Champaran

1. Binda Mahto Son of Late Raj Ballabh Mahto Resident of Village - Dhanaiya, P.S. - Sahebganj, District - Muzaffarpur
2. Hari Kishore Prasad Son of Late Rameshwar Prasad @ Late Rameshwar Singh Resident of Village - Khizirpura, P.S. - Kesariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Kanhaiyalal S/o late Rambali Pd., Senior Deputy Superintendent of Police, Vigilance Investigation Bureau, Muzaffarpur Division, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Gauri Shankar Gupta, APP
For Opposite Party No.2	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 17-03-2025 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The present case has been lodged on the basis of petition dated 16.04.2024 filed by the Deputy Superintendent of Police, Surveillance Investigation, Bureau, Muzaffarpur against five accused persons, including these petitioners. As per prosecution case, it is alleged that these petitioners, along with other accused persons, appointed co-accused Shama Praveen on



the post of Block Teacher on the basis of forged and fabricated certificates.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have committed no offence. As a matter of fact, at the relevant time, Petitioner No. 1 was posted as Block Education Officer of Keshariya Block and Petitioner No. 2 was a Member of Block Education Samiti and Panchayat Samiti. The selection of Shama Praveen was made pursuant to decision taken by the entire committee and it was a collective decision. Moreover, the appointment of Shama Praveen as Block Teacher, which was made on 30.12.2010 was cancelled by the District Teachers Appellate Authority, East Champaran vide order dated 20.09.2012 passed in Case No. 794 of 2011 and thereafter, the same was challenged before the State Appellate Authority. The State Appellate Authority quashed the order of the District Appellate Authority dated 20.09.2012 vide its order dated 27.02.2018. It is further submitted that the order dated 27.02.2018 passed by the State Appellate Authority was also challenged before this Court vide C.W.J.C. No. 4858 of 2018, which stood dismissed vide order dated 01.12.2022. Thereafter, the Officials of Block Planning Unit, in their meeting held on



05.04.2023, on the basis of application and education certificates submitted by Shama Praveen, decided to issue letter to release Suni Khanam @ Ishrat Praveen from service and reinstate Shama Praveen as Block Teacher and Shama Praveen has already been reinstated in service vide Letter No. 401 dated 08.04.2023 issued by the Executive Officer, Block Teacher Employment Committee, Keshariya, East Champaran.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation and aforesaid facts and circumstances of the case, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Motihari, East Champaran in connection with Kesariya P.S. Case No. 120 of 2024 (G.R. Case No. 1994 of 2024), subject to condition as laid down under Section 438(2) of the



Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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