

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76016 of 2024

Arising Out of PS. Case No.-154 Year-2022 Thana- BAJPATTI District- Sitamarhi

Neeraj Kumar @ Niraj Kumar S/o Ram Ayodhya Prasad Resident of Village-
Bijbani, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Vigilance Investigation Bureau through its D.G. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-01-2025 Heard Mr. Ankit, learned counsel for the petitioner and
Mr. Ajay Mishra, learned APP.

2. The petitioner is in custody in connection with Bajpatti P.S. Case No. 154 of 2022 for the offence punishable under sections 420, 467, 468, 471 and 120(b) of the Indian Penal Code lodged on 02.06.2022 by the informant, Manoj Kumar Shrivastava.

3. As per the prosecution story, pursuant to the order passed in C.W.J.C. No. 15459 of 2014, the Vigilance Department registered a case relating to the entry of the Teachers with fake educational certificates. Though immunity was given for certain period, the petitioner chose not to avail it and later, a case has been registered after coming to the knowledge that the certificates



provided by him are fake. This led to the FIR.

4. Learned counsel for the petitioner submits that though he appeared in the examination, got the certificates, upon scrutiny of the same, it has been found to be fake, in that background, he has already suffered by being in custody since 31.07.2024 (paragraph-13 of the petition). It is the further submission of the learned counsel for the petitioner that now, he is out of service and has nothing to do with the employment which has been found to be on the basis of fake certificates and do not have any criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the FIR was lodged in the year 2022 and the petitioner delayed in coming to the judicial custody. Further, there is nothing on record to show that he is out of the employment.

6. Learned counsel for the petitioner submits that his statement be recorded that even otherwise he shall have nothing to do with the said employment.

7. Accepting the words of learned counsel for the petitioner and taking into account that the FIR has been lodged, he will be facing the music, is in custody since 31.07.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M.(P), Sitamarhi in connection with Bajpatti P.S. Case No. 154 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 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;

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

(Rajiv Roy, J)

Adnan/-

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