

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28293 of 2026

Arising Out of PS. Case No.-87 Year-2024 Thana- TELHARA District- Nalanda

Kapildev Sharma S/o Late Bachchu Singh R/o Vill. - Mandachh, P.S. -
Telhara, Dist. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Telhara P.S. Case No. 87 of 2024 registered for the offences under Sections 420 and 120B/34 of the Indian Penal Code.

3. As per prosecution case, the School Managing Committee of which the petitioner was a part, appointed two two teachers without advertising post and one of the teachers was the son of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner was a doner to the school and on this account he was made a member of the School Managing



Committee at the relevant time. Learned counsel further submits that the teachers were appointed in the year 2013 and the present case has been lodged in 2024, i.e., after 11 years of the alleged appointment. When the irregularity committed in the appointment of school teachers has come to the notice, vide order dated 05.04.2024, their appointments have been cancelled by Bihar Sanskrit Shiksha Board. Learned counsel further submits that two teachers were appointed as per prevailing Rule of 1976 on temporary basis. Learned counsel further submits that the petitioner is a 77 years old person having clean antecedent. There is no direct allegation for any wrong being committed by the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that being the member of the School Managing Committee, the petitioner was responsible to see that the appointments was being made in proper manner and when the son of the petitioner was himself a candidate, he should have recused from the functioning of the Managing Committee.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the petitioner, his clean antecedent and doubtful nature of



allegation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Hilsa (Nalanda)/concerned court in connection with Telhara P.S. Case No. 87 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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