

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81107 of 2025

Arising Out of PS. Case No.-660 Year-2017 Thana- KOTWALI District- Patna

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Mahesh Prasad S/O Late Rup Lal Yadav R/O Village- Raja Kharbar, P.S-
Sakatpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Suraj Narain Yadav, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the B.S.E.B.	:	Mr. Gyan Shankar, Advocate
		Ms. Ankita Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-04-2026 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the B.S.E.B..

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 417, 418,
419, 420, 465, 466, 468 and 120B of the Indian Penal Code.

3. As per prosecution case, it is alleged that this
petitioner fraudulently continued in service by using a forged
date of birth. It is specifically alleged that date of birth of this
petitioner was officially recorded as 20.01.1954, however, he
allegedly used a fabricated date of birth i.e. 20.01.1958,
supported by a forged certificate and unlawfully extended his



service.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, petitioner was appointed as an Assistant in the Bihar Intermediate Education Council, Patna (now Bihar School Examination Board) and thereafter, promoted to the pose of Selection Grade Assistant and subsequently to Section Officer. The date of birth of the petitioner was entered in his service book, after making verification of D.T.R., as 20.01.1958, however, due to mistake of records, the date of birth of the petitioner has wrongly been recorded as 20.01.1954 in the Matriculation Certificate. It is further submitted that the petitioner also filed an application for correction of his date of birth, which was duly forwarded by the Head Master of the School and after corrections, the date of birth was updated as 20.01.1958 and English version of the matriculation certificate was issued, copy of which is Annexure-P/2 to this bail petition. Moreover, the petitioner has already been made to superannuate from his services on 31.01.2014 and the present F.I.R. has been lodged after inordinate delay of more than 3 years in the year 2017 and there is no plausible explanation for the inordinate delay. It is lastly submitted that



departmental proceedings have already been initiated against this petitioner. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State and learned counsel for the B.S.E.B. have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, nature of accusation, fact that petitioner has already superannuated from his services, departmental proceedings have also been initiated and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 660 of 2017, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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