

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54887 of 2015

Arising Out of PS.Case No. -45 Year- 2014 Thana -PURAINI District- MADHEPURA

=====

Shyama Choudhary, Daughter of Sri Mohan Choudhary, Resident of
Village/Mohalla- Bardaha, Police Station- Ghailarh, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Pravin Kumar

For the Opposite Party/s : Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-12-2015

Heard Mr. Ajay Kumar Thakur, learned counsel
appearing for the petitioner and learned counsel for the State.

This is the second attempt by the petitioner to seek
anticipatory bail apprehending her arrest in a case arising from
Puraini P.S. Case No.45 of 2014 for the offences punishable
under sections 467, 468, 471, 420 and 120B of the Indian Penal
Code.

Mr. Thakur, learned counsel appearing for the
petitioner very fairly refers to the earlier order of this Court
passed in Cr. Misc. No.12755 of 2015 to submit that simply on
grounds that the petitioner failed in her examination and yet had
been appointed that the Court considering it to be a case of
forgery has rejected the anticipatory bail application. With
reference to the scheme of the Teachers Eligibility Test it is



submitted that the said test is in two parts and whereas the candidate passing Part-I are appointed to teach in primary school and the candidate passing Part-II are entitled to teach in middle school and the petitioner having passed Part- II examination was appointed to teach Class-V to VII. He submits that there is no issue of forgery so far as this aspect is concerned.

He further submits that the appointment having been terminated, the petitioner has also taken recourse to a writ remedy arising from CWJC No.18688 of 2015 (Shyama Choudhary Vs. The State of Bihar). He submits that these relevant issues did not fall for consideration in the earlier round.

The bail application is opposed by the learned APP who questions the appointment on its validity and the earlier rejection.

The earlier order passed by a Bench of this Court does not pinpoint the forgery committed by the petitioner although such findings are recorded in the case of the petitioner in the analogous petition. The anticipatory bail application of the two petitioners has been disposed of directing the Director General of Police to investigate the matter which is being investigated.

Considering the extraordinary circumstances as

taken note of hereinabove where the matter is being investigated and is to be tested as well as the absence of opinion as regarding fabrication by the petitioner in the previous round of proceedings, in my opinion the petitioner has made out a case for indulgence and in the special circumstances of this particular case let the petitioner, namely, Shyama Choudhary in the event of her arrest or surrender within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhepura at Udakishunganj in connection with Puraini P.S. Case No.45 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

SKPathak/-

U		T	
---	--	---	--