

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38243 of 2016

Arising Out of PS.Case No. -270 Year- 2016 Thana -KOTWALI District- PATNA

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1. Reeta Kumari Wife of Manmohan Kumar, resident of Village- Nandpuri,
P.S- Bhagwanpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Spl. Vigilance Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Rama Kant Sharma(L.O,I/C Vigi)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-11-2016

Heard both sides.

The petitioner seeks bail in Spl. Case No. 32 of 2016 arising out of Kotwali P.S. case No. 270 of 2016 under Section 420, 465, 467, 468, 471, 120B of the Indian Penal Code and under Section 8, 9, 13(i) (e) read with Section 13(2) of the Prevention of Corruption Act.

The informant, Director, Secondary Education, Government of Bihar, Patna made allegation that through unfair means some students of Bishundeo Rai College, Kiratpur, Rajaram, Vaishali at Hajipur got top rank in the stream of Science and Arts in the Intermediate examination by making manipulation and interpolation in their copies.

It is submitted that petitioner is not named in the FIR.

The petitioner was summoned by the I.O. during the course of investigation. The petitioner replied the questionnaire and she admitted that she was a Member of the Managing Committee. It is submitted that although petitioner admitted that she was a Member of the Managing Committee and she is vicariously liable for the misdeeds done by the administration of the college but in fact the petitioner was not a member of the Managing Committee. Amit Kumar, Principal of the college, swore affidavit disclosing the name of the petitioner as one of the proposed Members of the Managing Committee including other accused persons namely, Nishu Singh, Dr. Kumari Shakuntala, Veena Kumari Sinha and Nand Kishore Yadav and the list was sent to the Bihar School Examination Board for recognition but the Board did not recognize the Committee and the same is still pending. The petitioner did not commit any misdeed in securing top position to the students of the Bishundeo Rai College. Similarly situated accused Nishu Singh has already been granted bail by this court vide order passed in Cr. Misc. No. 36871 of 2016, Dr. Kumari Shakuntala vide order passed in Cr. Misc. No. 34912 of 2016, Veena Kumari Sinha vide order passed in Cr. Misc. No. 40029 of 2016 and Nand Kishore Yadav has been granted bail by the

learned Special Judge, Vigilance- I, Patna. The case of petitioner stands on the same footing.

Sri Ajay Mishra, the learned Additional Public Prosecutor, however, vehemently, opposed the prayer for bail but except the questionnaire he could not be able to show any other material to show the involvement of the petitioner in getting the students top rank in the Intermediate examination.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Special Judge, Vigilance-1st, Patna Spl. case No. 32 of 2016, arising out of Kotwali P.S. Case No. 270 of 2016.

(Prabhat Kumar Jha, J)

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