

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8157 of 2016

Arising Out of PS.Case No. -512 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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Smt. Mamta Kumari, Wife of Dayanand Suman, Resident of Village -
Yoshoda Math, P.S. Kanti, District Muzaffapur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Kanti P.S. Case No. 512 of 2015 registered for the offences
punishable under Sections 420, 419, 467, 468, 471 and 120B of
the Indian Penal Code.

The prosecution case as per written report submitted
by In-charge Medical Officer, Primary Health Centre, Kanti vide
letter no. 562 dated 10.10.2015 received by the Police on
31.10.2015 is that the petitioner is working as ANM(R) on
contract basis at Primary Health Centre, Kanti. As per letter no.
2926 dated 11.04.2014 issued by State Health Society, Patna, the
Civil Surgeon, Muzaffarpur enquired regarding the certificate of



the petitioner but the Nursing Certificate of the petitioner was not found fit for the post. The said information regarding this was also given to Civil Surgeon, Muzaffarpur vide letter no. 471 dated 30.07.2014. Letter no. 612 dated 27.09.2014 and letter no. 129 dated 10.03.2015 was issued to this petitioner but she has not replied. It is also stated that subsequently Civil Surgeon-cum-Member Secretary, District Health Society, Muzaffarpur vide letter no. DHS/M/15/1051 dated 10.10.2015 was issued to lodge the First Information Report against the petitioner for working on government post on the basis of illegal certificate etc.

It has been submitted by learned counsel for the petitioner that she is innocent and after perusal of all the documents, she was appointed on the Post of ANM(R) with effect from 14.01.2008 and has been satisfactorily working since the last seven years. It has further been submitted by the learned counsel for the petitioner that there is no allegation of forged certificate and only on the general allegation regarding her certificates she has been made accused. It has been submitted that the petitioner has filed writ application before this Court for payment of salary bearing C.W.J.C. No. 15895 of 2015 and against recovery and termination of services she has moved before this Court in C.W.J.C. No. 19047 of 2015 stating therein that her appointment

was in pursuance to due advertisement and due selection procedure. Hence, no case under Section 420 of the Indian Penal Code is made out against this petitioner. However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of her arrest or surrender within a period of eight weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate (West), Muzaffarpur in connection with Kanti P.S. Case No. 512 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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