

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34912 of 2016

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

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1. Dr. Kumari Shakuntla @ Dr. Kumari Shakuntala wife of Rajendra Das,
resident of Indraprastha, Manjhaulia, Police Station- Sadar, District-
Muzaffarpur Petitioner/s

Versus

1. The State of Bihar through Vigilance, Patna.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Advocate
Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C Vig.)
Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

5 15-11-2016

Heard Sri Kanhaiya Prasad Singh, the learned senior
counsel for the petitioner, and Sri Ajay Mishra, the learned
Additional Public Prosecutor.

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 named Vishundeo Rai and six others
and alleged that in the Intermediate examination of the year 2016
the toppers of Science stream and Arts of Vishundeo Rai College,
Kiratpur, Raja Ram, Bhagwanpur, Vaishali at Hajipur made some
interpolations and the basis of which the case was registered that

in their copies somebody else wrote answers-books and even the invigilators and evaluators have granted high marks to such candidates, who topped in the list of Science and Arts stream of Intermediate examination, although they do not deserve.

The learned senior counsel for the petitioner submits that petitioner is not named in the FIR. The petitioner was summoned by the I.O. and during the course of investigation the petitioner replied the questionnaire of the I.O. The petitioner has been made accused on the basis of questionnaire containing in paragraph 185 of the case diary in which she admitted that she was a Member of the Managing Committee of the Vishundeo Rai Educational Trust which runs the college. It is submitted that petitioner was not a Member of the Managing Committee. The petitioner is Principal of RBBM College, Muzaffarpur and by the trustees she was nominated as a Member of the trust in place of educationist. It is further submitted that Amit Kumar has sworn an affidavit disclosing the names of Members of the Managing Committee but such list was not approved by the Bihar School Examination Board in accordance with law. Similarly situated accused Nishu Singh has already been granted bail by this court vide order passed in Cr. Misc. No. 36871 of 2016 and Nand Kishore Yadav has been granted bail by the learned Special Judge, Vigilance- I, Patna and case of petitioner stands on same footing.

Sri Ajay Mishra, the learned Additional Public Prosecutor, however, vehemently, opposed the prayer for bail relying on the same affidavit of Amit Kumar, who sent the list of proposed members of the Managing Committee to the Board for approval in accordance with law. However, the learned Additional Public Prosecutor did not show any other material except questionnaire in which the petitioner admitted her vicarious liability to be responsible for any deeds or misdeeds committed by the college.

Having considered the facts that save and except acceptance of the petitioner in questionnaire there is no other material to show that either petitioner fixed the examination centers or she was invigilator of the examination or in any way responsible for giving high marks to the students who do not deserve, 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 in 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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