

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25266 of 2016

Arising Out of PS.Case No. -62 Year- 2014 Thana -C.B.I CASE District- PATNA

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Kusum Devi w/o Sri Ram Dayas Kurmi, r/v – Gaura, P.S. – Kateya, Distt –
Gopalganj at present ward Member-cum-Chairman, Selection Committee,
P.S. – Kateya, Distt - Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Panchanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioner, learned counsel
for the Vigilance as well as learned A.P.P.

The petitioner apprehends her arrest in Spl. Case No.
59/2014 arising out of Vigilance P.S. Case No. 62/2014, registered
for the offences punishable under Sections 420, 467, 468, 471 and
120B of the Indian Penal Code and Sections 13(2) read with
13(1)(d) of the Prevention of Corruption Act.

On the basis of enquiry report the present F.I.R. was
lodged in which it is alleged that Kusum Devi (petitioner) being
ward member appointed as Chairman of the Selection Committee
along with Child Development Project Officer, Kateya Gopalganj
Smt. Hira Kumari and they knowingly rejected the candidature of
Indu Gupta who secured 76% marks and ordered to appoint Rani
Kumari who happens to be her relation.



Learned counsel for the petitioner submits that Indu Gupta got 76% marks and she was at the top of the merit-list, but she could not be appointed as she concealed the fact that she was working as Secretary Gram Kachahari. The next in the merit-list was Rani Kumari, who was ordered to be appointed as Anganbari Sevika. Indu Gupta filed appeal against the order of appointment in the court of Collector and the Collector vide memo no. 1431 dated 06.11.2012 as annexure - 4 dismissed the appeal of Smt. Indu Gupta. Thereafter she did not file any writ or revision against the order of the Collector. The allegation of interpolation in the mark-sheet does not appear to be correct, as Indu Gupta placed at Sr. No. 1 in the merit-list and reason for not appointing her is quite different. C.D.P.O, Kateya, Gopalganj who was member of the Selection Committee has already been enlarged on anticipatory bail.

Considering the facts aforesaid, the petitioner, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Special Judge Vigilance, Muzaffarpur in connection with Spl. Case no. 59/2014 arising out

of Vigilance P.S. Case No. 62/2014, subject to the conditions as
laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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