

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40515 of 2017

Arising Out of PS.Case No. -270 Year- 2017 Thana -KOTWALI District- PATNA

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1. Smt. Dev Kumari, wife of Ram Kumar Chaudhary, resident of village/
Mohalla- Laxminia, P.S.- Hathauri, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 11-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in Kotwali P.S. Case No.270 of
2017 instituted for the offence under Section(s) 417, 418, 419,
420, 467, 468, 208, 201, 120-B Indian Penal Code pending in the
Court of the Chief Judicial Magistrate, Patna.

There is allegation in the written report that one
Ganesh Kumar has topped in the Intermediate of Arts
Examination, 2017, and on enquiry it was found that he had
already appeared and passed Intermediate of Arts Examination in
1992. He has, again, appeared from the school where the
petitioner was the Principal by showing his date of birth as 1993.
The Informant has alleged that on verification of the records from
the Board, it was found that Ganesh Ram had earlier passed



matriculation examination in 1990 from CRSR High School, Sariya, Giridih, having Roll Code 2208 and Roll No.48 mentioning date of birth as 07.11.1975, in second division. Total marks obtained was 491. He passed Intermediate of Arts Examination in 1992 from RLSY College, Jhumaritillaiya, having Code 912 and Roll No.20092 and secured total 529 marks. He again appeared in matriculation examination from Sanjay Gandhi High School, Laxminia, Samastipur, by mentioning his date of birth as 02.06.1993 having Roll Code 63515 and Roll No.1500326. It is alleged that as per his earlier certificate with respect to his passing matriculation examination in the year 1990 from CRSR High School, Sariya, Giridih, his date of birth is 07.11.1975. He was about 42 years old and in the present examination he has given his date of birth as 02.06.1993, about 24 years old and in this manner there is changing of date of birth. He has appeared for second time by submitting false date of birth from Sanjay Gandhi High School, Laxminia, Samastipur, and has said to have passed matriculation examination in 1st division. It is further alleged that he appeared in Intermediate Arts Examination from RNJSN High School, Chakhabib, Samastipur, in 2017, and topped in the examination. The petitioner was Principal of Sanjay Gandhi High School,



Laxminia, Samastipur.

The police has recorded statement of the petitioner in para 49 of the case, wherein, she has stated that she is Principal of Sanjay Gandhi High School, Laxminia, Samastipur, since 1990. She has further stated in her statement that her school is unaided. The school gets aid from the government on the basis of number of students passing from the school. She has stated in para 13 that Ganesh Kumar was appearing to be over age at the time of his admission. She took admission of Ganesh Kumar on the basis of declaration given by his guardian, Sanjay Kumar, and on recommendation of two teachers of the school, namely, Arun Kumar and Vijay Kumar. She also got registration of Ganesh Kumar done after coming under influence of Arun Kumar and Vijay Kumar.

In this manner, from the statement of the petitioner recorded before the police, it appears that admission of Ganesh Kumar was done by her although he appeared to be overage to her at the time of admission.

The police recorded statement of accused, Ganesh Kumar, who has specifically stated in question nos.8 and 9 that his admission in Sanjay Gandhi High School, Laxminia, Samastipur, was made after making payment of rupees seven



thousand with help of this petitioner and other teachers, namely, Arun Kumar and Vijay Kumar. Petitioner and two other teachers, namely, Arun Kumar and Vijay Kumar, had knowledge about the petitioner being overage and having passed earlier matriculation and Intermediate examination.

In such circumstances, there appears serious allegation against the petitioner, which also gets support from the statement of co-accused in the case diary.

In view of such, this Court is not inclined to enlarge the petitioner on bail at this stage.

Prayer of the petitioner for grant of bail is rejected at this stage.

(Sanjay Priya, J)

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