

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34119 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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Sri Devi, wife of Shri Sunil Kumar, resident of village + P.O. + P.S.
Telhara, Distt. Nalanda at Biharsharif, Ex-Mukhiya of Keshopur
Grampanchayat, Block Ekangarsarai, Distt. Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in Ekangarsarai P.S.

Case No. 94 of 2017 instituted for the offence under Sections 406, 420,
467, 468, 471 and 120B of the Indian Penal Code.

There is allegation in the written report against this
petitioner that he got elected as Mukhiya of Keshopur Gram Panchayat
on the basis of forged caste certificate and took advantage of
reservation in the Panchayat election of 2016.

Learned counsel for the petitioner has submitted that the
First Information was lodged on the basis of direction of Election
Commission. The aforesaid direction was challenged in the Hon'ble
High Court and this Hon'ble High Court vide L.P.A. No. 703 of 2017
vide order dated 8.5.2017 has directed the petitioner to approach the
Caste Scrutiny Committee constituted by the State Government. The
petitioner has submitted that matter is now pending before the Caste



Scrutiny Committee.

In such circumstances, since the matter is pending before the Caste Scrutiny Committee, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Ekangarsarai P.S. Case No. 94 of 2017, she shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Hilsa, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The petitioner is given liberty to file a petition for cancellation of bail of the petitioner in the event the decision of Caste Scrutiny Committee goes against the petitioner.

(Sanjay Priya, J)

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