

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55145 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -MUNGER MUFFASIL District- MUNGER

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1. Priti Kumari D/o Late Vinod Kumar, W/o Ravi Kumar resident of Village Madhopur Kushwaha Tola, P.S. Kotwali, District Munger.
 2. Shama Praveen D/o Emaramul resident of Village Nawagadhi, P.S. Ram Nagar, District Munger.
 3. Md. Ezaz S/o Md. Asgar Ali Resident of Village Mubarakpur, P.S. Muffasil, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rahmat Ali A.S.I. Vigilance Investigation Bureau Camp, Munger, Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Munger Muffasil P.S. Case No. 111 of 2017 instituted for the offence under Sections-420, 467, 468, 471, `120(B) of the Indian Penal Code.

It is alleged in the written report that these petitioners were appointed on the basis of forged mark sheet. The case has been registered on the basis of order passed by this Hon'ble Court in PIL No. 15459 of 2014 and as per aforesaid order of the Hon'ble Court, the candidates were given time till July, 2015 for tendering their resignation, if they feel that their documents are forged.

It has been submitted on behalf of petitioners that they have tendered their resignation after knowing the order of the Hon'ble Court.



Counsel for the Vigilance has submitted that they have taken the salary up to February, 2017 and therefore, are liable to return the amount which they have received as salary after July, 2015 as fixed by the Hon'ble Court in PIL No. 15459 of 2014.

Counsel for petitioners has submitted that both these petitioners are ladies. It has been submitted that one of the co-accused of this case with similar allegation has been granted anticipatory bail by a coordinate bench of this court vide order dated 2-09-2017 passed in Cr. Misc. No. 40824 of 2017.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Munger Muffasil P.S. Case No. 111 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Munger subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners 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 petitioners tamper 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 petitioners.

However, the department will be at liberty to take proper steps for recovery of amount of salary which these petitioners have taken after the due date of July, 2015 in terms of the order passed in PIL No. 15459 of 2014.

(Sanjay Priya, J)

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