

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19680 of 2017

Arising Out of PS.Case No. -223 Year- 2011 Thana -BARHARIA District- SIWAN

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1. Ramdhari Mahto Son of Late Gambhir Mahto, Resident of Village- Mir Surahiya, P.S.- Barharia, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

For the Opposite Party/s : Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-08-2017 Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer for anticipatory bail in a case registered for the offences punishable under sections 467,468,471 and 420 of the IPC.

The prosecution case is that the petitioner being Panchayat Mukhiya of Gram Panchayat Padrauna at the relevant time, appointed/engaged Lalita Kumari as Anganbari Sevika. The said Lalita Kumari impersonated one Laxmi Kumari, wife of Binod Kumar Prasad. Though Laxmi Kumari was earlier appointed/engaged as Anganbari Sevika on the basis of forged marksheet, leading to registration of Barharia P.S. Case No. 70 of 2007. It appears that Laxmi Kumari by changing her name as



Lalita Kumari, was again appointed/engaged as Anganbari Sevika.

Considering the nature of accusation, this Court dismissed the prayer of the petitioner for anticipatory bail vide order dated 27.3.2012 passed in Cr. Misc. No. 2640 of 2012. Now, the prayer has been renewed on the ground that Lalita Kumari challenged her termination from the post of Anganbari Sevika in C.W.J.C. No. 4435 of 2011. A bench of this Court allowed the writ application vide order dated 12.9.2013 rejecting the claim of State that Lalita Devi impersonated Laxmi Devi. The said order of the Writ Court was challenged by the State in LPA No. 1534 of 2014 which was disposed of vide order dated 24.9.2015 by a Division Bench of this Court upholding the order of Writ Court. Consequently, Lalita Kumari has already been reinstated on the post of Anganbari Sevika, hence, it is submitted that the very thrust of accusation against the petitioner gets demolished with the order passed by the Writ Court as well as by the Division Bench in LPA. It is further submitted that the petitioner is 71 years of age and is suffering from serious ailments.

Considering the fact that the FIR was registered in 2011, earlier bail application was dismissed vide order dated 27.3.2012, this Court is not inclined to revise the earlier order now. However, keeping in view the fact that the very basis of



accusation against the petitioner got demolished by the finding recorded by the Writ Court which, subsequently, was affirmed by the Division Bench of this Court, it is a case for consideration of the prayer of the petitioner for grant of regular bail, in case the petitioner surrenders within six weeks from today in connection with Barharia P.S. Case No. 223 of 2011 pending in the court of learned C.J.M., Siwan. It is expected from the learned court below to dispose of the bail application of the petitioner, preferably, on the same day.

(Dinesh Kumar Singh, J)

Anil/-

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