

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11499 of 2018

Arising Out of PS.Case No. -3 Year- 2013 Thana -C.B.I CASE District- PATNA

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1. Shila Devi @ Sheela Devi @ Seela Devi, D/o Badri Prasad, resident of presently at Narayanpur, Janakpur Road, P.S. Pupri District Sitamarhi and permanently at New Colony Ratanmala, P.S. Bagha, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through C. B. I. Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar, SC, CBI

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 20-04-2018

Heard learned counsel for the petitioner and learned

Standing Counsel for the CBI.

Petitioner apprehends her arrest in **Special Case No.04 of 2013 arising out of CBI/ACB P.S. R.C. Case No.03 of 2013** instituted for the offence under Section(s) 120-B, 420, 468, 471 Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act.

Learned counsel for the petitioner has submitted that co-accused with similar allegation has been granted anticipatory bail by this Court by order dated 12.02.2018 passed in Cr. Misc. No.36594 of 2017.

In the instant case, there is allegation against this petitioner that she was appointed during 2008-12 on the basis of



fake *Madhyama* Certificate issued by Bihar Sanskrit Shiksha Board, Patna, which was actually not issued by Bihar Sanskrit Shiksha Board, in the name of the petitioner.

Counsel for the petitioner has filed Supplementary Affidavit enclosing *Madhyama* Certificates issued by Bihar Sanskrit Shiksha Board, Patna, which shows that the petitioner has passed the *Madhyama* Examination with 1st Division in the year 2005. Aforesaid certificate has been annexed as Annexure-2 and 3.

Counsel for the CBI has opposed the prayer for bail and has submitted that at the time of appointment these certificates were not produced.

This Court feels that these are the matters to be adjudicated during the course of trial.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **CBI R.C. Case No.03 of 2013**, she shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge, CBI-II, Patna**, 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 her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond 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.

(Sanjay Priya, J)

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