

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59195 of 2017

Arising Out of PS. Case No.-102 Year-2016 Thana- VIGILANCE District- Patna

Sudha Kumari Singh @ Sudha Kumari Ojha @ Ojha, W/o Late Balmiki
Ojha, R/o Village- Dhangarha, P.S. Baniapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar, through Vigilance, Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Laxmi Narayan Das

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,INC.,Vigilance)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 01-02-2018 Heard learned counsel for the petitioner and the
Vigilance.

Petitioner apprehends her arrest in Special Case No. 44 of
2016 (arising out of vigilance P.S. case no. 102 of 2016)
instituted for the offence under Section(s) 420, 467, 468, 471,
472, 477A, 409, 120B of the 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
petitioner has taken voluntary retirement from the Saraswati
Vidya Mandir school in the Month of July, 2008.

It is alleged in the written report that this petitioner, while
working as Teacher in Lok Mahavidyalaya Hafizpur Baniapur,
Saran, has received payment from the fund of grant-in-aid of



the college for the periods between 2005-2008, 2006-2009 and 2007-2010 as alleged in the written report whereas she was, during that period, also working as teacher in Saraswati Vidya Mandir, Kadam Kuan, Patna.

A counter affidavit has been filed on behalf of the Vigilance wherein, it has been submitted that she took voluntary retirement from the Saraswati Vidya Mandir, Kadamkuan, Patna in the month of July, 2008. Counsel for the Vigilance has stated in para 10 of the affidavit that she was working in the aforesaid school as Teacher since 1978 to June 2008. It is further stated in para 10 of the affidavit that petitioner received payment of various amounts from the college while working as Teacher in Saraswati Vidya Mandir, Kadamkuan, Patna.

In the written report, it is stated that the petitioner received payment for sessions were 2005-2008, 2006-2009 and 2007-2010 from the college while she was also working in Saraswati Vidya Mandir, Kadamkuan, Patna.

It is admitted position that petitioner has voluntarily retired from school in July, 2008

Learned counsel for the vigilance in the counter affidavit did not provide any bifurcation of the amount, which petitioner



has received while working in the Saraswati Vidya Mandir, Kadamkuan, Patna till July, 2008. Counsel for the Vigilance submitted that she may be directed to deposit an amount of Rs. 2,50,137/- (Two Laks fifty thousand one hundred thirty seven) subject to final decision of the case, as mentioned in para 10 of Counter affidavit.

In the circumstances, the anticipatory bail petition is disposed off with a direction to the petitioner to surrender before the Court below i.e. Special Judge, Vigilance North Bihar, Muzaffarpur within a period of eight weeks from the date of receipt/production of a copy of this order in connection with Special Case no. 44 of 2016 (arising out of Vigilance P.S. case no. 102 of 2016) and deposit an amount of Rs. 2,50,137 in the Court below.. In that event, the court below will release the petitioner on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to its own satisfaction, subject to the conditions as laid down under Section 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) 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 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 petitioner.

It is made clear that the payment so made by petitioner will be subject to final decision of the case.

(Sanjay Priya, J)

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