

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26482 of 2018

Arising Out of PS. Case No.-85 Year-2017 Thana- C.B.I CASE District- Muzaffarpur

Krishna Gupta, Daughter of late Bhola Prasad Gupta, Resident of Sindhu Homes, Road No. 9, Patel Nagar, P.S. Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance Investigation Bureau Bihar Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 22-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends her arrest in Vigilance P.S. case no. 85 of 2017 instituted for the offence under Section(s) 120B, 420, 467, 468 and 471 of the Indian Penal Code and Section 7, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

Learned counsel for the petitioner submits that petitioner, during the relevant time, was holding the post of C.D.P.O. Chiraiya. The case has been registered on the basis of complaint filed by one Neha Kumari who has challenged the cancellation of her appointment levelling allegation that irregularities have been committed in the appointment process. The Dy. Superintendent of police-cum- inquiry officer has filed written



report stating that at the relevant time petitioner was holding the post of C.D.P.O., Chiraiya and made illegal appointment. During enquiry, it was detected that applicant Kumari Neha applied for the appointment of Sevika in the Anganbari Centre no.11. She was selected and placed at Sl. no. 1. Thereafter, objection was raised and second merit list was prepared on 21.10. 2013, in which, applicant Kumari Neha was placed at Serial No.2. It is further alleged that by an irregular way after 1 and ½ months second merit list was published and the applicant at 2nd serial was given additional marks on the strength of Graduation certificate and handicapped certificate and her marks were enhanced. It is further alleged that the said applicant Neha kumari challenged the appointment of 2nd candidate who is co-accused before the District Programme Officer, East Champaran who upon hearing the District Programme officer declared the selection process full of error and held the petitioner guilty for that.

Learned counsel for the petitioner submits that objection was raised before the Aam Sabha and the Aam Sabha cancelled the entire selection process as contained in Annexure-2. It is further submitted that as per the I.C.D.S. guidelines if any objection is received with regard to selection process, the



same has to be disposed by the Aam Sabha. The petitioner has sent letter to the District Programme officer, East Champaran for fixing date of Aam Sabha. In the Aam Sabha, it was found that additional certificates i.e. Graduation certificate as well as as handicapped certificate of the said Renuka Devi was found fake and she did not appear in the Aam Sabh, therefore, her candidature was rejected. The resolution of the Aam Sabha is annexed as Annexure- 2. Thereafter, the applicant Kumari Neha after coming to know about the resolution of the Aam Sabha that the selection process has been cancelled filed a complaint before the Inspector General, Vigilance on 22.1.15 levelling allegation that selection process was completed ignoring the due process and, on protest, made by the member in Aam Sabha. The said complaint is annexed as Annexure-3. Petitioner has also filed an appeal before the Court of D.P.O. ICDS, East Champaran in which it was directed to start fresh selection process by cancelling the second merit list. In the meantime, petitioner has already superannuated on 31.3.2018.

From perusal of the order dated 7.5. 2018 it appears that the petitioner was granted provisional anticipatory bail by a Co-ordinate Bench of this Court and time was given to the counsel for the Vigilance to file counter affidavit. But, till today, no



counter affidavit has been filed on behalf of the Vigilance.

In view of the facts stated above, provisional bail granted to the petitioner by order dated 7.5. 2018 in connection with Special case no. 55 of 2017, arising out of Vigilance P.S. case no. 85 of 2017 pending in the Court of learned Special Judge, Vigilance, North, Bihar, Muzaffarpur, is hereby confirmed on the same terms and conditions as mentioned in the said order.

(Sanjay Priya, J)

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