

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21604 of 2019

Arising Out of PS. Case No.-248 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

BIBHA KUMARI Wife of Sunil Kumar Pandey Resident of Village- Chhotki Sarimpur, P.S.- Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vigilance through its Secretary, Govt. of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad, Sr. Advocate
For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 109,193,203,205,219,419,420,467,468,471 and 120B of the IPC.

The prosecution case as per the written report of Manoj Kumar, ASP, Vigilance Investigation Bureau to the SHO, Industrial Area Police Station, Buxar is to the effect that in view of the order passed in a writ application being CWJC No. 21397 of 2013, an enquiry was made with regard to the engagement of Shiksha Mitra after coming into force of Bihar Panchayat Rules, when the very post of Shiksha Mitra was abolished, and it was found that the petitioner being the daughter-in-law of co-



accused Baban Pandey, Headmaster of Middle School, Ahirauli , was appointed as Shiksha Mitra on 18.8.2006 along with ten other Shiksha Mitras but she joined on 25.8.2006 in spite of the fact that the post of Shiksha Mitra was abolished with effect from 1.7.2006 after coming force of Bihar Panchayat Shiksha Mitra Rules, 2006, hence the petitioner and other Shiksha Mitras were removed from the employment but in order to establish the fact that the petitioner had been working prior to 1.7.2006, the Incharge Headmaster who happens to be the father-in-law of this petitioner created a forged attendance register showing that the petitioner has been working as Shiksha Mitra prior to 1.7.2006 and the said attendance register was produced before a Bench of this Court, where the appointment of Shiksha Mitra was challenged and consequently enquiry was ordered.

It is submitted by learned Senior counsel for the petitioner that as per the Vigilance enquiry, the thrust of accusation is against co-accused Baban Pandey, who created two forged attendance registers and said co-accused Baban Pandey has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.2.2019 passed in Cr. Misc. No. 9890 of 2019 and the connected writ application in which the enquiry



has been directed, is still pending. It is further submitted that the petitioner is a lady.

Learned counsel for the Vigilance submits that by virtue of creating two forged attendance registers, the petitioner claimed to be working as Shiksha Mitra since 2005 when she actually joined after abolition of the post of Shiksha Mitra on 1.7.2016. However, he admits that the thrust of accusation is against co-accused Baban Pandey who has been granted anticipatory bail.

Considering the fact that the thrust of accusation is against co-accused Baban Pandey who has been granted anticipatory bail by a Co-ordinate Bench of this Court and the petitioner being a lady, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar in connection with Buxar Industrial Area P.S. Case No.248 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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