

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40604 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- DUMARIYA District- Gaya

MAZDA KHATOON Wife of Musaraf Jama Khan Resident of Village-
Manjhauri, P.S.- Dumaria, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad

For the Opposite Party/s : Mr.Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 04-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 420, 467, 468, 471, 196, 197, 198, 199, 201, and 120(B) of the Indian Penal Code registered in connection with Dumariya P.S. Case No. 51 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of appointment of 13 Primary Teachers on the basis of the forged BETET certificates. It is submitted that the petitioner was the then Mukhiya and was one of the members of the selection committee. It is submitted that the Panchayat Secretary was responsible for shortlisting the names and preparing merit list, on which necessary resolution was made by the selection committee and as such there was no occasion to suspect that the BETET certificates were forged. The petitioner's case stands on better footing than that of the Panchayat Secretary who had been granted anticipatory bail by the learned Court below. A statement is made at the Bar that after verification certain serial numbers of the forged certificates



have been mentioned in letter no. 823 dated 04.05.2013 of the District Education Officer, Gaya (Annexure-2) which were not included in the merit list, based on which appointments were made. However, one of the beneficiary teachers Sabita Kumari has been granted anticipatory bail by this Court in Cr. Misc. No. 17285 of 2019. The petitioner is a lady claiming clean antecedents.

4. Learned APP on the other hand submits that the petitioner was the ex-officio Chairman of the appointment committee and being a local person it is improbable that she would not have knowledge about the credentials of the candidates.

5 Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned I/c. CJM, Gaya in connection with Dumariya P.S. Case No. 51 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall



be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that the appointment made by the selection committee of which the petitioner was the Chairman did not include the serial numbers of the merit list mentioned in the aforesaid letter of the District Education Officer, Gaya (Annexure-2). If found otherwise, her bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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