

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10345 of 2020

Arising Out of PS. Case No.-251 Year-2012 Thana- MUFFASIL District- West Champaran

Anju Kumari D/o Late Sudhist Narayan Singh Resident of Village -Bhairipur
Doyorhi, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-08-2020 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor representing the State,

through Video Conferencing.

The petitioner seeks anticipatory bail in connection
with Mufassil Police Station Case No. 251 of 2012, registered
for the offences punishable under Sections 419/420/467/468/
471/409/120-B/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report lodged by the complainant-Child
Development Project Officer, Bettiah, is that the petitioner,
being the Child Development Project Officer, along with other
members of the selection committee, made appointment on the
post of Aaganbari Sevika, in which she has committed grave
irregularities inasmuch as the selection was made on the basis of



false and illegal Aam Sabha.

Learned Senior Counsel for the petitioner submits that the petitioner, at the relevant point of time, was posted as Child Development Project Officer, Bettiah, and she continued on the said post with effect from 2004 to 06.04.2007. Learned Senior Counsel further submits that while the petitioner was posted as Child Development Project Officer, Bettiah, there was vacancy of Aaganbari Sevika, at Centre Nos. 3 and 5 in Banuchapper Gram Panchayat and the petitioner, vide letter no. 21, dated 01.02.2007, asked the Mukhiya, Banuchhaper Gram Panchayat Raj, to fix the date for convening Aam Sabha for the purpose of selection of Aaganbari Sevika at centre nos. 3 and 5, and in pursuance thereof, the Mukhiya, Banuchhaper Gram Panchayat Raj, vide letter no. 14, dated 11.02.2007, informed the petitioner that the date for selection of Aanganbari Sevika at centre nos. 5 and 3 has been fixed on 01.03.2007 and requested the petitioner to participate in selection process scheduled to be held on that date. Learned Senior Counsel submits that the Aam Sabha was held and the selection on the post of Aanganbari Sevika, at centre nos. 3 and 5 was made in accordance with the procedure prescribed under the scheme for appointment of Aanganbari Sevika and the selection committee prepared the merit list in



which two candidates were selected, having highest marks. He further submits that the selection made by the selection committee, headed by the Mukhiya, was never challenged before the competent authority, i.e. the District Magistrate, or the appellate authority by any candidate. After lapse of five years, the present First Information Report has been lodged at the behest of one Bandana Singh, against whom the petitioner has lodged First Information Report, bearing Mufassil Police Station case No. 86 of 2005, stating therein that the husband of Bandana Singh was holding the post of Mukhiya and appointed his wife, Bandana Singh, against the provision of the selection rules for appointment of Aanganbari Sevika. He, thus, submits that the present First Information Report has been lodged in retaliation of the First Information Report lodged by the petitioner in the year 2005 against her. He, referring to Annexure 7 submits that the Mukhiya, Banuchhaper Gram Panchayat Raj, vide letter no. 20, dated 30.04.2007, informed the petitioner that Smt. Nilima Devi and Smt. Renu Devi have been appointed on the vacant seat of Aaganbari Sevika at centre no. 3 and 5 on 01.03.2007 and the Mukhiya has also sent the proceeding book, public notice and videography relating to selection of Aaganbari Sevika. He, referring to Annexure 8,



submits that the District Programme Officer, West Champaran, vide letter no. 55, dated 07.03.2008, informed the subsequently posted Child Development Project Officer that the District Magistrate, West Champaran by order, dated 23.12.2007, held the appointment of Aaganbari Sevika at centre nos. 3 and 5 to be valid and in accordance with law. He, referring to Annexure 9, submits that the District Programme Officer, West Champaran vide letter no. 79, dated 23.01.2008, informed the Child Development Project Officer that the District Magistrate, West Champaran, by order, dated 22.12.2007, after perusal of the entire record relating to appointment of Aaganbari Sevika, held the appointment on the aforesaid post at centre nos. 3 and 5 to be legal and valid. He, referring to paragraph 21 of this application, submits that the petitioner was allotted Jharkhand cadre and she was working in the State of Jharkhand and she was not having any knowledge about lodging of the present First Information Report and after coming to know about the institution of the First Information Report, the brother-in-law of the petitioner has filed an application before the human Right Commission, Patna, on 17.01.2020, requesting to furnish the certified copy of the order, dated 23.05.2012, passed upon the complaint of Bandana Singh, which is the basis of lodging of



the present First Information Report. He next submits that other co-accused persons have been granted anticipatory bail inasmuch as the Mukhiya, who was the Chairman of the Selection Committee for appointment of Aanganbari Sevika, has been granted anticipatory bail by this Court vide order, dated 07.12.2012, passed in Criminal Misc. No. 42126 of 2012 and the Sarpanch was also granted anticipatory bail by this Court vide order, dated 08.11.2012, passed in Criminal Misc. No. 40441 of 2012.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the petitioner, while posted as Child Development Project Officer, Bettiah, abused her post and made illegal appointment on the vacant post of Aanganbari Sevika.

Having regard to the submission made on behalf of the parties and taking into consideration the fact that the petitioner was an invitee member of the selection committee and made the appointment after calling an Aam Sabha, which was never questioned by any candidate who participated in the selection process and the present First Information Report has been lodged on the basis of the complaint made by one Bandana Singh, who never participated in the selection process and that



too, after a lapse of five years and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of her arrest or surrender before the Court below within eight weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Muffasil Police Station Case No. 251 of 2012, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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