

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20246 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- SUHAIL District- Gaya

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Asmita Kumari, W/o Birendra Kumar Sinha Resident of Village- Telwari,
P.S.- Kothi, Distt- Gaya presently Resident of Village- Imamganj, P.S.-
Imamganj, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar through Vigilance, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter before

the bench.



Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 120B of the Indian Penal Code.

The prosecution case as per the written report of Sarvesh Kumar Singh, the Dy.S.P., Vigilance Investigation Bureau, Patna to the officer-in-charge, Sohail Police Station is to the effect that during enquiry, it came to light that the petitioner, at the time of counselling has submitted forged BETET certificate which is issued by the Bihar School Examination Board after conducting examination and got employment as teacher in the State of Bihar.

It is submitted by learned counsel for the petitioner that during verification, it has been found that there was no tampering of the marks mentioned in the said certificate but only the serial number in the



certificate does not match with the actual roll number of the petitioner in the competitive examination. The petitioner has still not been terminated from the post of teacher. The petitioner is a lady and in similar nature of offence, several other cases have been lodged against the other teachers and in one of such cases, co-accused Lalan Singh has been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 03.08.2017 passed in Cr. Misc. No. 19443 of 2017.

Learned A.P.P. submits that during enquiry, it was found that on the basis of forged BETET certificate, the petitioner got employment as a teacher and the investigation is still not concluded.

Considering the fact that petitioner is a lady and the investigation is going on and in one of such similar cases, a co-accused has been granted anticipatory bail by a Co-ordinate bench of this Court, let the petitioner, above named, in the event of her arrest or surrender before the Court below within a period of six weeks, be



released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Sohail P.S. Case No. 01 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Sohail



P.S. Case No. 01 of 2020 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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