

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75637 of 2019**

Arising Out of PS. Case No.-157 Year-2019 Thana- ARWAL District- Jehanabad

Shobha Kumari Daughter of Arjun Prasad Singh Resident of Village- Jinpura,
P.S.- Paliganj, District- Patna, at present Punchayt Teacher, Primary School,
Makhbulpur Raja, Fakharpur Pandhayat, Block/ District- Arwal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar Mishra, Adocate

For the Opposite Party : Mr.Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 16-10-2020 Heard Mr. Sanjay Kumar Mishra, learned counsel for
the petitioner and Mr. Ajay Mishra, learned Additional Public
Prosecutor for the State.

By way of the present application preferred under
Section 438 of the Code of Criminal Procedure, the petitioner
seeks pre-arrest bail in connection with Arwal P.S. Case No.157
of 2019 registered for the offences punishable under Sections
467, 468, 471, 419, 420 and 120-B of the Indian Penal Code.

The first information report of the present case has
been instituted on the basis of written report submitted by one
Sachindra Jha, Sub-Inspector of Police-cum-Inquiry Officer,



Vigilance Investigation Bureau, Bihar, Patna. It is alleged in the first information report that the petitioner got appointed as pachayat teacher in primary school, Makbulpur under the Fakharpur Panchayat in the district of Arwal on the basis of an Intermediate pass certificate, which on inquiry was found to be forged and fabricated.

The petitioner has made the following statement in para-11 of her application :

“11. That it is submitted that petitioner is working on the post of Panchayat Teacher since last five years and at present after filing of case salary of the petitioner has been withheld.”

When the matter was taken up before a Bench of this Court on 02.12.2019, case-diary was summoned from the court of Chief Judicial Magistrate, Arwal and in view of the submission made before the court while granting interim relief to the petitioner following observations were made :

“During pendency of the application, in view of the statements of the petitioner that she is working as a Panchayat Teacher for the last five years and as per her counsel at present she is posted at Primary School, Makbulpur Raja Fakharpur Panchayat Block Arwal, District Arwal, no coercive steps be taken against the petitioner in connection with Arwal P.S. Case



No.157 of 2019.”

Today, at the outset, learned counsel for the petitioner submitted that after institution of the first information report, the service of the petitioner has been terminated. He also conceded that the statements made in para-11 of the application are not true. He contended that due to lack of instruction, an erroneous pleading was made before the court. However, he contended that the testimonials of the petitioner are bona fide.

On the other hand, Mr. Ajay Mishra, learned Additional Public Prosecutor for the State submitted that the inquiry conducted by the Vigilance Investigation Bureau clearly revealed that the petitioner had obtained appointment as panchayat teacher on the basis of intermediate pass certificate and a forged and fabricated mark-sheet. He contended that in the case-diary, sufficient materials are there to support the prosecution allegation.

Regard being had to the submissions made above, especially the fact that the petitioner tried to mislead the court in order to obtain a favourable order by making false statement on oath, I am not inclined to grant her pre-arrest bail. The application is rejected.

The interim protection given to the petitioner vide



order dated 02.12.2019 stands vacated.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Sanjay Kumar Mishra, learned counsel for the petitioner also on his e-mail.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without



compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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