

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78739 of 2019

Arising Out of PS. Case No.-292 Year-2019 Thana- CHAKIA District- East Champaran

Pallavi Priyadarshani, aged about 35 years (Female) Wife of Jitendra Kumar,
Resident of Village - Khabra, P.S.- Sadar Muzaffarpur, District- Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 09-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner and Mr. Ajay Mishra, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Chakia PS Case No. 292 of 2019 dated 04.09.2019, instituted under Sections 420, 467, 468 and 471 of the Indian Penal Code.

4. The allegation against the petitioner is that she had obtained employment as a Panchayat Teacher on the basis of a forged TET certificate.

5. Learned counsel for the petitioner submitted that she was not party to any forgery, even if it is accepted that the same



was done, as she did not create the certificate. It was submitted that at best, the petitioner can be said to have produced a forged document for getting employment but that would only constitute an offence under Section 471 of the Indian Penal Code, which is bailable. Learned counsel submitted that she was neither party nor aware of the fact that the certificate which she was producing was forged and fabricated. Learned counsel further submitted that the petitioner is a lady having no criminal antecedent.

6. Learned APP, from the case diary, submitted that verification of the TET certificate of the petitioner has been made from the Issuing Authority i.e., the Bihar School Examination Board and it has been found that the petitioner had not cleared the examination but has still obtained a certificate showing that she had qualified the examination which clearly was a forged document. Learned counsel submitted that the plea of the petitioner not being manufacturer of the forged document will not absolve her for she would be equally responsible for the crime as an accomplice since she has produced the forged certificate and, thus, the presumption would be that she was also party to the document being created and during trial she would have full opportunity to take such defence on the basis of evidence she may produce before the Court, but once it is not denied that the



petitioner did produce a forged certificate and obtained employment on the basis of the same, there cannot be a presumption of the petitioner being unaware of the forged nature of such certificate. Further, it was submitted that the petitioner obtaining the job of a teacher knowing fully well that the requirement was TET certificate and that she had not cleared the examination, the obvious presumption, at present, would be that she was equally responsible for all acts which were committed, including creation of the forged document, which has not only been proved but also admitted by the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

AFR/NAFR	
U	
T	

