

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82188 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- BARHIYA District- Lakhisarai

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BIBHA KUMARI @ VIBHA KUMARI @ DR. BIBHA KUMARI Wife of
Sri Niwas Singh Resident of Village - Barahiya, Taraf Ramcharan Tola, Ward
No. 5, P.S.- Barahiya, District - Lakhisarai, at present retired Principal of
Barahiya Mahila College, P.S.- Barahiya, District - Lakhisarai.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Sanjeeb Kumar Sanju, Advocate.
For the State : Mr. Kumar Veerendra Narayan, A.P.P.
For the Complainant/Informant : Mr. Shailendra Kumar Singh, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 09-07-2020 Heard learned counsel for the petitioner and the learned

A.P.P. for the State as also the learned counsel for the

complainant/informant through Video Conferencing.

The petitioner apprehends her arrest in connection with
Barahiya P.S. Case No.93 of 2019, arising out of Complaint
Case No.91(C) of 2019, registered under Sections 406, 409,
504, 506, 120(B), 467 and 468/34 of the Indian Penal Code.

The accusation is that the complainant/informant
Amarnath Singh is Lecturer in Mahila Mahavidhyalaya,
Barahiya and he is also one of the members of the Inquiry
Committee in respect of the distribution of the Poshak (dress)
to the students for the Sessions 2013-15 and 2014-16. For the



Sessions 2013-15, Rs.6,23,000/- and for the Sessions 2014-16, Rs.2,16,000/- were received in the said College. The said amount was to be distributed among the students through cheque but the same was misappropriated after withdrawing the same, showing the acceptance of the money by the students in the column of the Amount Distribution Register. While information regarding the said irregularity was given to the S.D.O., the then Chairman of the said College for inquiry in writing and also application was sent in this regard to his Excellency Governor of Bihar, Principal Secretary, Human Resources Department, Government of Bihar, Patna, and Divisional Commissioner. On 18.02.2019 at about 10.30 A.M., when the complainant/informant along with the respected people of the village went to the college, in their presence, Kripashankar Singh, Head Clerk and Incharge Principal (petitioner) of the said College, came out of the chamber and they misbehaved with the complainant/informant.

Learned counsel for the petitioner submits that the petitioner being the Incharge principal of the said College had not recommended the name of Priti Kumari, the wife of the complainant/informant, to the University for consideration of appointment as a Lecturer in December, 2016. Consequently,



the complainant/informant made false complaint to concerned authority regarding the amount of Poshagak (dress) and filed a false case on 18.02.2019 implicating the petitioner with malafide intention to take revenge. Further submission is that it would appear from paragraph-29 of the case diary that the Investigating Officer of this case on reaching the College verified the Amount Distribution Register of the Poshagak (dress) in which he found that the amount of the Poshagak (dress) was distributed to the students and the students have also made their signatures about receiving the money. The witnesses, Rampravesh Kumar, Physical Teacher Instructor, Ramanand Prasad Singh, Head of the Department of Political Science, Ramcharitra Singh, Lecturer of History and Ramanand Prasad Singh, Head of the Department of Political Science, of the said College, have stated in their statements, as detailed in paragraphs-30, 31, 32 and 33 of the case diary that the amount of Poshagak (dress) was distributed among the students. Paragraph-35 of the case diary also indicates that the Investigating Officer also made query to three students of the said College, who admitted about receiving the amount of Poshagak (dress). The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the



case, let the petitioner, above named, in the event of her arrest or surrender by her within six weeks from today, be enlarged on bail on her furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No.93 of 2019, arising out of Complaint Case No.91(C) of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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