

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86651 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- BASOPATTI District- Madhubani

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Kamla Kumari, aged about 40 years, female, W/o Sri Krishna Kumar Sah @
Krishna Prasad Sah, Resident of Village - Bhagirathpatti, Damu, P.S.-
Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 22-06-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner and Mr. Ajay Mishra, learned APP for the

State.

The petitioner seeks bail in anticipation of her
arrest in connection with Basopatti P.S. Case No. 193 of
2019, dated 17.08.2019, instituted for the offences under
Sections 467, 468, 471, 419, 420 and 120(B)/34 of the
Indian Penal Code.



The sum and substance of the accusation against the petitioner is that even when she was not a *Shiksha Mitra* she took advantage of some delay and made attempts to obtain the appointment as an Assistant Teacher.

It has been submitted on behalf of the petitioner that from the reading of the First Information Report itself, it would appear that the petitioner initially was appointed as *Shiksha Mitra*. Later, the aforesaid post was abolished and *Shiksha Mitras* were adjusted on the post of Assistant Teachers in the *Panchayat*. But, for the aforesaid appointment, a candidate had to have an Intermediate degree. Since, the petitioner did not possess I.A. degree, she could not get appointed as Assistant Teacher. Only later, when she acquired the aforesaid degree, she made an application before the concerned authorities for being considered.

Despite certain orders of the Courts and of the Department, when she was not appointed on the post of Assistant Teacher, she appealed before the Teacher's Tribunal *vide* Appeal No. 13 of 2018. In the aforesaid



appeal, the State was asked upon to respond. Instead of responding in the appeal, the subject F.I.R. was instituted.

All said and done, the learned counsel for the petitioner submits that till date, the petitioner has not been appointed on the post of Assistant Teacher nor has she obtained any monetary benefit from such appointment.

Considering the facts afore-stated and taking into account the gender of the petitioner, she, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Madhubani in connection with Basopatti P.S. Case No. 193 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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