

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32247 of 2020

Arising Out of PS. Case No.-85 Year-2017 Thana- VIGILANCE District- Patna

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Renuka Devi, W/o Birendra Chaudhary, Resident of Village-Ruphari, PO-Kapurpakari, P.S-Shikarganj, Subdivision -Sikarahna, District-East Champaran, Presently-residing at Ward No.1, Narkatiyaganj, P.S-Chiraiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate.

For the Opposite Party/s : Mr. Arvind Kumar, APP, Vigilance Department

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 29-07-2021 Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Vigilance P.S. Case No. 85 of 2017, registered under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code, pending in the court of the learned Special Judge (Vigilance), North Bihar, Muzaffarpur.

The accusation is that merit list was prepared and published on 06.09.2013 for appointment of “Anganbari Sevika” for Block Chariya, District East Champaran, Motihari, in which, the name of Kumari Neha was shown as serial no.1, giving opportunity to file any objection till 01.09.2013 but the



then C.D.P.O. without following the procedure, published another merit list on 21.10.2013. On inquiry, it was detected that Ms. Krishna Gupta, the then CDPO, Chiraiya, illegally after one and half month of cut of date, published second merit list, in which, Renuka Devi (petitioner), who was at serial no. 2 in first merit list, was shown at serial no. 1 in the second merit list whereas Kumari Neha was shown at serial no. 2. In the application of Renuka Devi (petitioner) by submitting the graduation and disability certificates, 12 points was added in her favour, while both documents were not self attested by Renuka Devi (petitioner). According to the first merit list, Kumari Neha obtained 77.57 points and Renuka Devi (petitioner) obtained 70.67 points and after one and half months, the then CDPO on the basis of graduation and disability certificates, attached with the application of Renuka Devi (petitioner), added 12 points and mentioned 82.67 points in favour of Renuka Devi (petitioner). Thereafter, under the Right to Information Act, graduation and disability certificates of Renuka Devi (petitioner) was verified from B.R.A. University, Muzaffarpur and Civil Surgeon, Motihari then both certificates were found forged. While Renuka Devi (petitioner) is resident of Ward No.1, Narkatiyaganj but in the residential certificate, her address



was shown as Ruphari, in which, the name of husband of Renuka Devi (petitioner) was shown as Birendra Prasad, while in Nagar Parisad, Narkatiyaganj, the name of husband of Renuka Devi (petitioner) was shown as Birendra Choudhary, that point was detected on 20.01.2015 in the general meeting held in the premises of Government Middle School. In the said meeting, it was pointed out that Renuka Devi (petitioner) is not the resident of this area and she has submitted forged graduation and disability certificates.

Mr. Bikash Kumar Sharma, learned counsel for the petitioner submits that it would appear from the FIR and the case diary that graduation and disability certificates, which are said to be filed by the petitioner, in respect to her were not self attested by the petitioner, as such, petitioner is not aware how the graduation and disability certificates, as submitted before the SDPO, in the name of petitioner had attached with her application for appointment of “Anganbari Sevika”. Further submission is that the main culprit co-accused, Krishna Gupta, the then CDPO, Chiraiya, has already been allowed privilege of pre-arrest bail by a coordinate Bench of this Court vide order dated 22.05.2018 passed in Criminal Misc. No. 26482 of 2018.

On the other hand, Mr. Arvind Kumar, learned



A.P.P. appearing for the Vigilance Department, submits that in paragraph 48 of the case diary, it has come that the disability certificate issued on 15.12.2012 in the name of Renuka Devi (petitioner), has not been issued by the C.M.O., East Champaran, Motihari, in fact, no medical board was constituted on that date, while in the month of February, 2012, Medical Board was constituted but Renuka Devi (petitioner) was not applicant. He further submits that it has also come in paragraph 63 of the case diary that Controller of Examination, B.R.A. University, Muzaffarpur, has reported that alleged graduation certificate has not been issued by the B.R.A. University.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to her. Accordingly, her prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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