

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34787 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- BISHUNPUR District- Darbhanga

Reeta Kumari @ Rita Kumari daughter of Nathuni Mahto, wife of Sajan Kumar Mahato, resident of village- Bhigo Chakrahmad, P.s.- Laheriasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal
Mr. Amish Kumar
For the Opposite Party/s : Mr. A.P.P

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 26-10-2021 Heard Sri N.K. Agarwal, learned senior counsel for the petitioner assisted by Sri Amish Kumar, Sri Rana Vikram Singh, learned Special PP for the Vigilance and Sri Jharkhandi Upadhyay learned APP for the State.

Petitioner seeks anticipatory bail in Bishanpur P.S. Case no. 143 of 2019 registered for the offence punishable under sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

Learned senior counsel for the petitioner submits that petitioner is person with clean antecedent. Further from perusal of the allegation as alleged in the FIR, it would manifest that pursuant to the order of the Hon'ble High Court passed in CWJC No. 15459 of 2014 (Ranjit Pandit & Ors vs. the State of Bihar),



the Vigilance Department, Government of Bihar, Patna undertook certificate verification operation of contractual teachers appointed at the Block level. Further, the informant was deputed in the district of Darbhanga for verification of the certificates and credentials of the teachers appointed on contractual basis within the district of Darbhanga. In the course of investigation and inspection, the informant, who is an Inspector in the Vigilance Department, discovered that the petitioner had appeared in the Bihar Elementary Teachers Eligibility Test held in the year 2011 bearing Roll no. 0944110166. In the said examination, petitioner allegedly did not secure pass mark and thus, was declared disqualified. It has further been alleged by the informant that the petitioner by unfair means and resorting to manipulation, fraudulently obtained a forged and fabricated mark-sheet of the Bihar Elementary Teachers Eligibility Test held in the year 2011 issued by the Bihar School Examination Board in which petitioner has been represented to have secured pass marks and has been declared to have qualified in the examination. On the basis of the aforesaid forged mark-sheet, she was allegedly appointed as a Primary Teacher in different Blocks within the district of Darbhanga by the order of Block Development



Officer, Darbhanga and took charge and salary from the date of her appointment. On verification of the aforesaid mark-sheet submitted by the petitioner at the time of her appointment, it was found that no such mark-sheet had been issued by the Bihar School Examination Board and the mark-sheet furnished by the petitioner was forged and fabricated. It has been alleged by the informant that the petitioner had fraudulently cheated the government on the basis of forged and fabricated documents and had misappropriated the government money by way of her salary.

Learned senior counsel for the petitioner submits that there is no allegation of tempering with the evidence as alleged in the petition, petitioner has been made accused in the present case due to mistake of fact. Petitioner has no knowledge that the certificate in question is fake one. Further, learned senior counsel for the petitioner submits that petitioner has been discharging her duties and responsibilities for seven years without any complaint against her.

Learned counsel for the Vigilance submits that petitioner is named in the FIR and also tries to differentiate case of the petitioner from the case of Vijay Kumar Rai @ Bijay Kumar Rai, Dinesh Kumar Sah, Mamta Kumari and Sarita



Kumari but on query as to whether Education Department has alleged in the FIR that all named accused persons have been appointed on forged certificates, on this learned counsel for the Vigilance fairly submits that core of the allegation hinges upon forged certificates.

Learned Senior counsel for the petitioner further submits that accused persons similarly situated like the petitioner have been granted anticipatory bail in Cr. Misc. no. 25259 of 2020 by order dated 07.07.2021.

Considering the facts that similarly situated accused have been granted anticipatory bail by this court, in order to maintain parity, in the event of arrest/surrender within ten weeks from today, the petitioner is also directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate VII, Darbhanga in Bishanpur P.S. Case no. 143 of 2019 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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