

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40131 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- NAUTAN District- West Champaran

1. HARGUN KUSHWAHA Son of Sri Ramesh Prasad Resident of Village-
Maruaha Bardahan, P.S.- Nautan, Distt- West Champaran.
2. BRIJANAND PRASAD Son of Late Pahalad Prasad Resident of Village-
Maruaha Bardahan, P.S.- Nautan, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-06-2021 Heard Mr. Umesh Chandra Verma, learned

advocate for the petitioners and the learned APP for the

State.

The petitioners seek bail in anticipation of their

arrest in connection with Nautan P. S. Case No. 41 of

2020, instituted for the offences under Sections 341,

323, 353, 354-A, 327, 427, 504/34 of the Indian Penal

Code.

In the F.I.R. lodged by the Lady Supervisor of

the Child Development Project, Majhauriya, it has been

alleged that during the period when Aam Sabha of



Panchayat Ward No. 11 was in session for appointment of Aanganbadi Sevika, pandemonium was created by the husband of one of the candidates, namely, Nitu Kumari, who is petitioner no. 1 and petitioner no. 2 along with others. No sooner did they realize that Nitu Kumari is not being considered for the post and one Kiran Kumari is being given preference over her, an attempt was made to disrupt the meeting. The register was snatched and was torn. The mapping and other documents also were thrown in the garbage. Kiran Kumari is stated to have been selected in presence of Ward Members and other villagers.

Learned counsel for the petitioners has submitted that an absolutely false case has been lodged against the petitioners. There is no doubt that the petitioner no. 1 is the husband of Nitu Kumari, one of the candidates whose candidature was not accepted whereas petitioner no. 2 does not have any concern whatsoever with the appointment process. It has been



submitted that Nitu Kumari, who is the wife of petitioner no. 1 was the most suitable candidate as she had obtained 85.86 % marks in the merit list whereas the rival candidate, namely, Kiran Kumari was placed at sl. no. 8 with merit list marks of 51.02%. The wife of petitioner no. 1 has also challenged the appointment process before the concerned authority. It has thus been submitted that only in order to deflect the gaze of the authorities in scrutinizing the appointment process, that the present case has been lodged implicating the husband of Nitu Kumari and another associate of Nitu Kumari.

Considering the afore-noted background and and the fact that the appointment process has been put to challenge, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from the date of receipt/ production of a copy of this order, on furnishing bail bonds of Rs.10,000/- (Rs.



Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate – Ist Class, Bettiah, West Champaran, in connection with Nautan P. S. Case No. 41 of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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