

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2747 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- SAMASTIPUR District- Samastipur

MANJU KUMARI WIFE OF NARENDRA KISHORE SINHA RESIDENT
OF ADARSH NAGAR, WARD NO. 15, P.S.- TOWN, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-07-2021 Heard Ms. Soni Srivastava, learned Advocate
for the petitioner and Mr. Ram Priya Sharan Singh,
learned APP for the State.

The petitioner seeks bail in anticipation of her
arrest in connection with Town P.S. Case No. 201 of
2020 dated 06.10.2020 instituted for the offence under
Section 10 of the Bihar Conduct of Examination Act,
1981.

It has been alleged in the FIR which has been
lodged by the Block Education Officer that under the
orders of the District Education Officer, a raid was
conducted in the premises of Model Inter School,
Bahadurpur, Samastipur of which the petitioner is the
In-charge Principal and for an exam to be conducted,
she was nominated as Centre Superintendent. In the



school premises, 431 unused answer sheets were found missing.

Learned counsel for the petitioner has submitted that prior to the lodging of the subject FIR, on confidential information that some people are using the answer sheets of the examination for writing answers in a hotel room, a raid was conducted and three persons were arrested. One of them disclosed that the purpose of their assembling in the hotel room was to write examination paper for the benefit of some of the candidates. With regard to obtaining of the answer sheets, one of the arrested persons disclosed that it was done at the behest of a teacher of the school in question *viz.* Prabhat Kumar. This information to the police led to the arrest of aforesaid Prabhat Kumar who is also said to have admitted his guilt by saying that he had managed to get those answer sheets to the arrested accused persons.

In the investigation of the aforesaid case where three persons were arrested, the name of the petitioner never cropped up. The subject FIR, therefore, is directly linked to the FIR about which reference has been made in the preceding sentences.

Learned counsel for the petitioner has submitted that somebody in the school had actually



managed to take away the unused answer sheets. Merely because the petitioner was the Centre Superintendent and In-charge Headmistress of the aforesaid school, she has been made the scape-goat and another FIR (subject FIR) has been lodged.

It has further been submitted that had the petitioner played any role in the aforesaid missing of answer sheets which was being used by some unscrupulous persons, the name of the petitioner would surely have surfaced in the investigation. The only reason for the prosecution of the petitioner in this case is her being the Centre Superintendent. No doubt the Centre Superintendent has the responsibility to keep the answer sheets under strict vigil and for any loss of such answer sheets, the Principal as well as the Centre Superintendent would rightly be held responsible for the same. However, in the present case, the answer sheets were found to be used prior to the lodging of the present case and the petitioner had no wherewithals to know how this had happened especially when the mole was a teacher of the same school. The petitioner has had a unblemished record of 34 years and is due to superannuate only in the next year.

Considering the aforesaid facts, the petitioner is directed to be released on bail, in the event of her



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 her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Town P.S. Case No. 201 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, the petitioner is cautioned that she must participate and cooperate in the investigation to the fullest. Any breach on the part of the petitioner would be viewed seriously, rendering the bail granted to her liable to be cancelled.

(Ashutosh Kumar, J)

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