

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3253 of 2021

Arising Out of PS. Case No.-316 Year-2016 Thana- GORAUL District- Vaishali

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Salta Kumari, aged about 46 years, Female, Wife of Sankar Jai Kishan,
Resident of Village - Makshudpur PS - Fatuha, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 26.07.2021, which was allowed.

3. Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioner apprehends arrest in connection with Goraul PS Case No. 316 of 2016 dated 22.12.2016, instituted under Sections 465, 467, 468, 471 and 409/34 of the Indian Penal Code.

5. The allegation against the petitioner and two others is that appointment on the post of ANM(R) was on the basis of



forged documents and that the salary drawn by her for the period she had worked was required to be returned, which despite notice, she had not done.

6. Learned counsel for the petitioner submitted that she has already left her job and has taken money only for the period she had worked. It was submitted that the petitioner was never noticed with regard to any recovery to be made from her and straightaway an FIR has been lodged. It was further submitted that at the time of appointment in the year 2008, her documents had been sent for verification and no objection was raised by any person. Learned counsel submitted that the petitioner has no other criminal antecedent and that similarly situated co-accused Vibha Kumari has been granted anticipatory bail by a co-ordinate Bench by order dated 13.07.2021 passed in Cr. Misc. No. 1772 of 2021.

7. Learned APP submitted that the allegation is very serious. An employment under the State i.e., public employment, has been usurped by the petitioner on the basis of forged documents and it continued for six years and only when the fraud emerged, the petitioner had chosen to leave the job. It was submitted that the allegation in the FIR is not only for recovery of money but also for taking action for having committed such fraud on the system. It was submitted that all the accused persons,



including the petitioner has been ordered by office order to return the money but they did not do so and, this was sufficient by way of a show cause where they could have taken a ground and explained their position, but they have chosen not to do so and most importantly, for lodging of a criminal case where the allegation is that the employment itself is based on forged documents, and once when it has been confirmed by the issuing agency itself, there is no requirement in law for issuance of show cause as the trial itself is sufficient to safeguard the *bona fide* interest of any accused when he or she shall have full opportunity to adduce evidence to prove their innocence. As far as the order of the co-ordinate Bench in the case of Vibha Kumar (supra), it was submitted that the Court had only noticed the submission that the allegation was that she had received salary which she had not returned whereas the allegation is primarily that she had obtained the job based on forged documents, which clearly is a criminal offence.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of learned APP. The allegation being specific that the job of the petitioner was obtained on the basis of forged documents which had been verified by the issuing



agency, coupled with the fact that there is no pleading in the petition that the petitioner had obtained such employment on the basis of genuine documents, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the petition stands dismissed.

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(Ahsanuddin Amanullah, J.)

P. Kumar

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