

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18208 of 2021

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

KANCHAN KUMARI, Female, aged about 30 years, D/o Devnarayan Chaudhary, Wife of Anil Kumar, Resident of Village- Gangwara, P.S.- Sadar, District- Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Durga Nand Jha, Advocate
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period



of four weeks after restoration of normalcy.

The petitioner is apprehending her arrest in connection with Bishanpur P.S. Case No. 143/2019 for the offence registered under Sections 420, 467, 468, 471 and 120 (B) of the I.P.C.

The prosecution case, in brief, is that in pursuance of the order of the Hon'ble High Court, Patna, passed in C.W.J.C. 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. 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 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 Number of the petitioner in the said examination was 0925111235. After publication of the result of the aforesaid examination, the petitioner produced a certification, purported to have been issued by the B.S.E.B., declaring the petitioner to have passed in the said examination



on securing 94 marks. On the basis of the aforesaid certificate and testimonial, the petitioner secured appointment as contractual teacher in a Middle School, Naya Nagar, under Hanuman Nagar Block, District-Darbhanga. The certificate and testimonial produced by the petitioner at the time of her appointment, was sent to B.S.E.B. for its verification. A letter was issued being Letter No. 7101 dated 07.11.2019 by the B.S.E.B., after verification of the testimonials of the petitioner, asserting therein that her documents were forged and fabricated. It further declared that in the aforesaid examination, Roll No. 0925111235 was allotted to one Ramanuj Choudhary, who failed in the examination having secured only 29 marks. Hence, the F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. She has been made accused in this case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. As per prosecution case, the petitioner is alleged to have obtained appointment as a Panchayat Teacher on the basis of fake certificate. It is submitted on behalf of the petitioner that the petitioner had left the job prior to the order passed in C.W.J.C. No. 15459 of 2014. The petitioner had no



knowledge that the certificate in question is fake.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bonds to the satisfaction of the learned A.C.J.M.-VII, Darbhanga, in connection with Bishanpur P.S. Case No. 143 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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