

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19395 of 2023

Arising Out of PS. Case No.-6 Year-2019 Thana- C.B.I CASE District- Patna

1. Rani Kumari Wife Of Late Kamlesh Singh, D/O Dinesh Singh R/O Sangrampur, P.S.- Taraiya, District- Saran. Presently R/O Garkha, P.S.- GARKHA, Distt.-SARAN, Chapra.
2. Smt Priya Kumari @ Chanda Kumari Wife Of Sanjay Kumar Sharma R/O Hathua, P.S.- Hathua, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar Through C.B.I. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Surendra Kumar Singh, Adv.
For the Opposite Party/s :	Mrs. Nivedita Nirvikar, Sr.Adv.
	Mr. Avanish Kumar Singh, Adv.
	Mr. Saurendra Pandey, Adv.
	Mr. Ambar Narayan, Adv.
	Ms. Barkh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV ORDER

7 19.08.2023 Heard learned counsel for the petitioners and learned senior counsel for the C.B.I.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 409, 354, 504, 509 and 120B of the Indian Penal Code.

3. As per prosecution case, on the basis of report of Tata Institute of Social Sciences (TISS), the District Programme Officer lodged a complaint with SHO, Patliputra P.S. vide Patliputra P.S. Case No. 333 of 2018 alleging certain irregularities in the Shelter Home/Short Stay Home run by IKARD.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. According to the FIR, there is no specific allegation against the petitioners with respect to the offence in question and the petitioners have been made accused in this case simply on the allegation that the investigating officer wanted to save all the responsible officers for the lapses and petitioners, being the Peon and Rehabilitation Trainer of the Short Stay Home, was made scapegoat so that DM, DDC, DPM and DPO, Patna and the MD, Women Development Corporation be exonerated of all the charges by the I.O. The petitioners were appointed as per guidelines as Peon and Rehabilitation Trainer of proposed Centre by the District Administration who was looking after the management and affairs of the Patna Unit and since the petitioners were working as per the guidelines of the District Administration, as such, no liability can be fastened upon them. It is relevant to state that as per the guidelines of WDC, all the conditions required to be fulfilled by the WDC or the District Administration which they have never fulfilled rather they grossly violated each and every terms of the guidelines and the agreement and further even the amount of Rs. 33,17,800/- as fixed by the WDC was never paid to the centre. He submits that the entire liability and responsibility of running the centre,



Alpawas Grih (Stay Home), under the Mukhyamantri Nari Shakti Scheme was upon the Mahila Vikas Nigam/Women Development Corporation as State Government Agency and the petitioners being the Peon and Rehabilitation Trainer were required to function as per the terms decided under the agreement executed between the District Magistrate, Patna and IKARD, the NGO which was given to run the centre. He submits that during the course of investigation, neither the SIT nor the CBI nor the girls nor any of the habitants have made any kind of allegation against the petitioners. The entire allegation of mismanagement committed in the Stay Home is completely false and baseless. During the investigation, the committee had recorded the statement of all the inmates and some of them were examined by the Magistrate under Section 164 of the Cr.P.C. but none of them have made any allegation against the petitioners. He submits that one of the co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 19.12.2022 passed in Cr. Misc. No. 37363 of 2021. He has also relied upon a Judgment in the case of **Mahdoom Bava vs. Central Bureau of Investigation reported in 2023 SCC Online SC 299.**

5. Learned counsel for the CBI submits that the



instant case RC 0922019S0006 was registered at CBI, SCB, Patna in compliance with the Order dated 28.11.2018 of the Hon'ble Supreme Court of India passed in Special Leave to Appeal(C) No. 24978/2018 (Nivedita Jha vs State of Bihar & others). Vide the aforesaid order, the Hon'ble Supreme Court directed the CBI to investigate all the cases of Shelter Homes of Bihar which have been put under the category of 'Grave Concerns' in the report dated 27.04.2018 of Tata Institute of Social Sciences (TISS). Accordingly, the FIR being Patliputra PS case No. 333/18 dated 04.08.2018 was lodged u/s 420, 409, 354, 504, 509, 120B of IPC and a Regular Case vide RC No.0922019S0006 dated 16.01.2019 was registered with CBI, SCB Patna against Short Stay Home, Patna run by IKARD, Patna. So far as the petitioners, Rani Kumari and Priya Kumari are concerned, they were holding the post of Peon and Rehabilitation Trainer of the Short Stay Home run by IKARD. In course of investigation, it was revealed that the petitioners behaved in a lascivious manner and used gestures to insult the modesty of girls. It was mentioned in the inspection report dated 08.08.2016 to the effect that he engaged the inmates in getting completed his personal chores and was abusive both verbally and physically towards inmates for his lewd and lascivious



behavior towards the inmates and actively participating in the verbal and physical abuse of inmates. Learned counsel for the CBI lastly submits that the similarly situated co-accused has been granted bail because there is no specific allegation against Nagendra Prasad Singh of abusing the inmates. He also submits that the judgment in the case of **Mahdoom Bava** (supra) is not attracted in the present case, hence, the petitioners do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the fact that both the petitioners are female and there is no any specific allegation of outraging the modesty of inmates against them, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with CBI Case No. RC 06(s)/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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