

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19892 of 2023

Arising Out of PS. Case No.-361 Year-2021 Thana- KALYANPUR District- Samastipur

Baby Kumari, Wife Of Chandra Mohan Kumar, D/O Ram Sagar Singh, R/O
Village- Narayanpur Sapahi, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The Vigilance Department through The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uma Shankar Singh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Vigilance	:	Mr. Mahendra Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Uma Shankar Singh, learned counsel appearing on behalf of the petitioner and Mr. Mahendra Pratap, learned counsel for the Vigilance and the learned APP for the State.

The petitioner apprehends her arrest in connection with Kalyanpur P.S. Case No. 361 of 2021 registered for the offence punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

Allegedly, the petitioner procured her appointment as a 'Niyojit Teacher' on the basis of fake and forged certificates, which resulted into institution of the present case. It is further alleged that in compliance of the order of the Hon'ble Court, an enquiry was conducted in which the academic certificates of all



the suspected 'Niyojit Teacher' were verified and after verification, FIR has been instituted against those persons, whose certificates were found to be forged and fabricated and the petitioner is one of them.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is appointed on the post of 'Panchayat Shikchhak' in the year 2012 after proper verification of her academic or requisite certificates issued by the competent authority, however, an enquiry was conducted behind the back of the petitioner and she was not even given an opportunity to place the entire facts. He further submits that be that as it may, the petitioner has already been removed from her service. He next submits that other co-accused persons, having identical allegations of obtaining appointment on the basis of forged certificates, they have been allowed the privilege of bail by the learned co-ordinate Bench of this Court, the copies of which have been annexed as Annexure – 2 series to the bail petition. He lastly submits that the petitioner is a hapless lady, having fair antecedent.

On the other hand, learned counsel for the Vigilance vehemently opposes the pre-arrest bail application of the petitioner and submits that the complicity of the petitioner



cannot be denied as she was knowingly obtained appointment on the basis of forged and fabricated certificates.

Learned counsel for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has already been removed from her service, coupled with the fact that other co-accused persons have been allowed the privilege of anticipatory bail, let the above named petitioner, be released on bail, in the event of her arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 361 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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