

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62809 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- SONBERSA District- Sitamarhi

Sushama Kumari @ Sushama D/O Jiwanand Kujur, W/O Mahesh Kumar Singh R/O Village- Bairstania, P.S.- Bairstania, District- Sitamarhi At Present Pratap Nagar Ward No.7, P.S.- Mehsaul, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 23-05-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Sonbarsa P.S. Case No. 296 of 2021 instituted under Sections 420, 467, 468, 471, 120B lodged on 29.10.2021 by the informant Manoj Kumar Srivastawa.

As per the prosecution story, the informant namely, Manoj Kumar Srivastava, Dy. SP. Vigilance Bureau, Muzaffarpur alleges that the informant had been deputed for verification of certificate of "Niyojit "Teachers appointed from 2006 to 18.5.2015 in the district Sitamarhi by the S.P. Vigilance Bureau, Bihar, Patna vide letter no. 114/Go, dated 16.9.2020 and the matric mark-sheet of the petitioner bearing Roll Code No. 5217, Roll No 328, Year- 1985 Marks obtained-315, Divn.- Ist



was sent to the Bihar School Examination Board, Patna for its verification where after verification it was found that she had failed. Thus the appointed as Niyojit Teacher in middle School Bhutahi was found to the fake and forged. Accordingly, the FIR.

Learned counsel for the petitioner submits that although he failed to make contact with the petitioner probably she has resigned.

Taking into account the submissions that the lady has resigned and will have to face the trial, this Court is inclined to grant him privilege of bail. However, if it is found that despite the findings she is still continuing this order shall become infructuous.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Sonbarsa P.S. Case No. 296 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, District- Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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