

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73582 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- DUMRA District- Sitamarhi

Shobha Kumari W/O- Surendra Kumar @ Surendra Kumar Singh R/O-
Village- Rewasi P.S.- Riga, Dist.- Sitamar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Superintendent Of Police Vigilance Investigation Bureau Patna
Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Vigilance	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Uday Kumar, learned counsel for the

petitioner, Mr. Arvind Kumar learned counsel appearing on

behalf of the vigilance as well as Mr. Ajay Mishra, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Dumra P.S. Case No.435 of 2023, F.I.R. dated
07.09.2023 registered for the offence punishable under Sections
420, 467, 468, 471, 120B of the Indian Penal Code.

3. The prosecution story, in short, is that the Shobha
Kumari was appointed as Panchayat Teacher on the basis of
Inter Pass candidate in the year, 2008 and posted at Bachharpur
Govt. School. On the order of the Hon'ble High Court, Patna
passed in C.W.J.C. No. 15459/2014, her educational certificate



was checked and it shows that she passed Intermediate Examination from Jharkhand State from where Inter Counsel, Jharkhand has issued certificate and so her Mark sheet Roll No. 30083, Roll Code 9273, year 2007 and other papers were sent to Inter Council, Ranchi, Jharkhand for its verification and after verification of the said certificates, the Inter Council, Ranchi, Jharkhand has found that the said certificates were not issued from there. Thus, it appears that said Shobha Kumari obtained a forged and fabricated certificates regarding her qualification and produced before the Department on the basis of which she has appointed as Panchayat Teacher. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R, in fact the petitioner has appointed on the post of Panchayat Teacher on the basis of the certificate which she has obtained from the competent Board/University and she has not submitted any false or forged certificate as alleged in the FIR and pursuant to the present FIR she has resigned from the post in question.

5. Mr. Arvind Kumar, learned counsel for the



vigilance and Mr. Ajay Mishra, learned APP for the State, on the other hand have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it has come during investigation the petitioner had submitted forged certificate at the time of her initial appointment on the post of Panchayat Shikshak, but fairly submits that it appears from paragraph-9 of the bail petition that she has resigned from the post in question.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No.435 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, her bail bonds shall be cancelled by the Court below.



(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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