

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32863 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- ASHTHAWAN District- Nalanda

Subhopama Bharti @ Shubhopama Bharti Wife of Prem Shankar Sinha
Resident of Village- Dhamoli Bigha, P.S- Wena, Dist- Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar Singh, Sr. Advocate with
Mr. Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-05-2024 Heard Mr. Pramod Kumar Sinha, learned Advocate
for the petitioner and Mr. Parmeshwar Mehta, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Asthawan P.S. Case No. 320 of 2023, registered for the
offences punishable under Sections 419, 420, 468, 471 and
120B of the Indian Penal Code.

3. The allegation against the petitioner is of putting
the second rank candidate in the first position by tampering in
the merit list of Sevika/Sahaika. The petitioner being the
Supervisor was authorised to prepare the merit list with Two-



Member Committee. The total marks obtained by the candidate Anuradha Kumari in the report of the CDPO dated 22.06.2018 was not clear but in the subsequent report of the said CDPO dated 23.02.2019 the obtained marks of the aforesaid candidate is shown to be 253/500 and thereby the alleged tampering in the merit list has been done on the part of the petitioner in collusion with the candidate.

4. Learned Advocate for the petitioner contended that the alleged tampering in the merit list is said to have been done in the year 2018 and the present FIR has been instituted in the year 2023. It is further contended that prior to the institution of the FIR, a show cause was asked to the petitioner by the District Magistrate, Nalanda. In response to the show cause the petitioner has submitted her explanation. Considering the explanation of the petitioner the order of the District Programme Officer which is the very basis of the FIR has been set aside, the copy of the order of the District Magistrate dated 06.02.2024 has been produced as Annexure-3 to the bail application. The District Magistrate while passing the order has found various infirmities in the order of the District Programme Officer and as such directed the SDO, Biharsharif to personally look into the matter and conduct a detailed investigation of all the facts and



inform the investigating officer. It is next contended that the petitioner is a lady having fair antecedent and she undertakes that she will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that from the impugned order it would be evident that the merit list and other papers available on record clearly shows tampering in the marks of the candidate and the petitioner is said to be custodian of the merit list.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the order of the District Programme Officer which is the very basis of the FIR has been set aside by the District Magistrate, Nalanda, coupled with the fact that the petitioner is a lady having fair antecedent, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Asthawan P.S. Case No. 320 of



2023, subject to the conditions laid down in Section 438(2)
Cr.P.C. with the further condition that one of the bailors shall be
the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

