

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40363 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- SILAO District- Nalanda

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Riya Kumari Daughter of Dayanand Sharma Resident of Village- Bedhana,
P.S.- Barh. District- Patna Petitioner/s

Versus

1. The State of Bihar
 2. Superintendent of Police, Vigilance Department, Govt. of Bihar, Patna Bihar
... .. Opposite Party/s
- =====

Appearance :

For the Petitioner/s	:	Mr. S.R.P Sinha, Sr. Advocate
	:	Mr. Om Prakash Prasad, Advocate
For Vigilance	:	Mr. Arvind Kumar, S.P.P. Vigilance
	:	Mr. Paritosh Parimal, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. S.R.P Sinha, learned senior counsel for

the petitioner, Mr. Arvind Kumar, learned counsel for the

Vigilance as well as Mr. Satya Nand Shukla, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Silao P.S. Case No. 351 of 2023, F.I.R. dated
08.12.2023 for the offences punishable under Sections 420, 467,
468, 471 and 120(B) of the Indian Penal Code.

3. According to prosecution case, it is alleged that the
petitioner secured the appointment as teacher based on false
certificates.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been
implicated in the present case. He further submits that pursuant



to the order passed in CWJC No. 15459 of 2014 (P.I.L), the present F.I.R has been lodged against the petitioner and other similar co-accused persons. He further submits that the petitioner has submitted all the relevant certificates at the time of the joining as Panchayat teacher which she has received from the competent Board/University and she has not submitted any false certificate. And apart from that the petitioner has been dismissed from the service.

5. The learned counsel for Vigilance as well as learned counsel appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submits that from the Annexure P/2 it does not state that the petitioner has been removed from the post in question or not.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and other similar co-accused persons have been granted bail by this Court or by a Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond 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 Silao P.S. Case No. 351 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of 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 antecedent, the court below shall take step for cancellation of 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)

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