

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40889 of 2024

Arising Out of PS. Case No.-160 Year-2022 Thana- TIKAPATTI District- Purnia

Shastri Kumari D/o- Ram Manohar Singh, W/o- Uday Shankar Singh @
Uday Shankar Prasad Singh, R/o Village- Bhadas Dakshin, PS- Muffasil,
Dist- Khagaria.

... .. Petitioner

Versus

The State of Bihar through Vigilance Investigation Bureau, Patna, Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Bhola Prasad, Advocate
For Vigilance Bureau	:	Mr. Arvind Kumar, Spl. PP
		Mr. Paritosh Parimal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Bhola Prasad, the learned counsel for
the petitioner and Mr. Arvind Kumar, the learned Special Public
Prosecutor for the Vigilance Investigation Bureau.

2. The petitioner is apprehending her arrest in
connection with Tikapatti PS Case No. 160 of 2022, FIR dated
12.12.2022, registered for the offences punishable under
Sections 420, 467, 468, 471 and 120(B) of the Indian Penal
Code.

3. According to the prosecution case, in light of order
passed by Hon'ble Patna High Court in CWJC No. 15459 of
2014 and under the Vigilance enquiry no. 08 of 2015, Vigilance
Investigation Bureau carried out verification of teacher's
certificate and accordingly the certificate of the petitioner was



found to be forged and fake.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. Pursuant to the order / direction of this Court passed in CWJC No. 15459 of 2014, the present FIR is instituted on the basis of the Vigilance enquiry no. 08 of 2015 and the petitioner and other similarly situated co-accused persons have been made accused in different FIRs. He further submits that the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact, the petitioner has been appointed as Panchayat Teacher on the basis of the certificate, which she has received from the competent board / university and she has not submitted any forged certificate of B.E.T.E.T. and after the institution of the present FIR, the petitioner has been terminated from service.

5. The learned counsel appearing on behalf of Vigilance Department on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and apart from that, her certificate was found forged in the enquiry.

6. Considering the aforesaid facts and circumstances



and the fact that petitioner has clean antecedent and she has been terminated from service, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Purnea, where the case is pending in connection with **Tikapatti PS Case No. 160 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(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 learned trial Court 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 learned trial Court 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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