

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38578 of 2025

Arising Out of PS. Case No.-221 Year-2010 Thana- SURYAGARHA District- Lakhisarai

1. Veena Devi @ Veena Kumari W/o Sri Shailendra Singh R/o Village- Shaidpura, P.S.- Surajgarha, District- Lakhisarai
2. Shailendra Singh S/o Yugeshwar Singh R/o Village- Shaidpura, P.S.- Surajgarha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 08-09-2025 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners apprehend their arrest in connection with Surajgarha P.S. Case No. 221 of 2010, registered for the offences punishable under Sections 419, 420, 467, 468 and 472 of the Indian Penal Code.

3. As per allegation, co-accused Pushpam Kumari is alleged to have secured the job of *shiksha mitra* after producing forged documents. The petitioners are alleged to be members of the Selection Committee.

4. At the very outset, learned counsel for the



petitioners has submitted that the lady, who produced the certificate, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.03.2011 passed in Cr. Misc. No. 9162 of 2011. The learned counsel submitted further that during the investigation, the investigating authority mentioned that it was not the duty of the petitioners to verify the certificates, produced by the co-accused rather it was the duty of the Block Education Officer. Accordingly, the investigating authority submitted final form against the petitioners. Differing with the report of the investigating authority, the learned Magistrate took cognizance. During course of argument it was pointed out by the State that process under Section 82 of the Cr.P.C. has been issued.

5. The learned counsel for the petitioners has relied upon the case of *Asha Dubey Vs. The State of Madhya Pradesh*, reported in *MANU/SCOR/124926/2024* in which the Hon'ble Supreme Court has held as follows:

"8. Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the Cr.P.C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail.

9. When the liberty of the appellant is pitted against, this Court will have to see the



circumstances of the case. nature of the offence and the background based on which such a proclamation was issued. Suffice it is to state that it is a fit case for grant of anticipatory bail, on the condition that the appellant shall cooperate with the further investigation. However, liberty is also given to the respondents to seek cancellation of bail that has been granted, in the event of a violation of the conditions which are to be imposed by the Trial Court or if there are any perceived threats against the witnesses."

(Emphasis supplied)

6. Learned counsel for the petitioners has submitted that issuance of process under Section 82 of the Cr.P.C. is not a complete embargo on grant of anticipatory bail. It has further been submitted that the processes were issued against the petitioners without receiving execution reports, as such the issuance of process under Section 82 of the Cr.P.C. is bad in the law itself as it was issued without receiving the execution reports of the processes earlier issued.

7. On the other hand, the learned APP for the State, namely, Shri Ajay Mishra has opposed the prayer for bail and submitted that the process under Section 82 of the Cr.P.C. has been issued against the petitioners, as such, they are not entitled for privilege of anticipatory bail. Learned APP has submitted that the FIR was registered on 25.11.2010. Cognizance was



taken on 20.08.2015 and thereafter, the summons were issued and bailable warrant was issued on 22.02.2018. Non-bailable warrants have twice been issued on 17.04.2023 and 08.02.2024 and ultimately, the process under Section 82 of the Cr.P.C. was issued on 08.10.2024.

8. The main accused has been granted anticipatory bail. The petitioners have not been sent up for trial and the process under Section 82 of the Cr.P.C. has been issued without receiving the execution report of the processes, issued earlier.

9. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Lakhisarai in connection with Surajgarha P.S. Case No. 221 of 2010, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

AjayMishra/-

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