

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50451 of 2024

Arising Out of PS. Case No.-375 Year-2022 Thana- RIVILGANJ District- Saran

Vibha Kumari, wife of Sri Gautam Prasad Moh- Kashi Bazar, Ps- Bhagwan Bazar, Dist- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vyas Kumar Mishra
For the Opposite Party/s :	Mr.Umesh Lal Verma
	Mr.Khushwant Kumar
	Mr.Pramod Kumar Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 10-01-2025 1. Mr. Pramod Kumar Yadav, the learned Advocate also appeared on behalf of Bhushan Prasad on whose complaint the D.E.O. had instituted the instant case, but after arguing for sometimes, the learned counsel appearing on behalf of Bhushan Prasad realizing his difficulty, seeks permission to withdraw his *vakalatnama* from the case.
2. Permission is accorded.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Section 409/34 of the Indian Penal Code.
5. The learned counsel for the petitioner submits that



the petitioner is a person with clean antecedent and the informant alleges that on complaint of Professor Sunil Kumar, Shiv Bhushan and Bhushan Prasad against the Principal of the College of committing financial irregularities, the D.E.O., Saran was directed to hold an inquiry. It is further alleged that several opportunities were given to the Principal to explain her side of the case by participating in the inquiry, but she did not participate. Thereafter, the inquiry report was submitted wherein it was recorded that Principal distributed the grant received by the college to Prabodh Kumar (Clerk) and Asha Kumari (Teacher), though they have remained absent as their attendance is not marked in the attendance register, hence the grant was miss-utilized by not distributing it proportionately. Further, Abha Kumari issued cheque of Rs.10,000/- in favour of the teacher after taking Rs.5,000/- from them and got the cheque encashed in name of her husband, but the same in the inquiry has not been established and thus, requires investigation and the payments have been made under joint signature of Abha and Brusar of the college.

6. The learned counsel for the petitioner submits that petitioner, being Principal of the college in question, has been falsely implicated in the instant case. It is next submitted that in



the inquiry, it transpired that Prabodh Kumar and Asha Kumari despite remaining absent were paid the grant received by the college. It is submitted that both Prabodh and Asha were discharging their duties regularly based on which the payment was made. It is also submitted that it absolutely does not stand to reason that as to why the petitioner being Principal would have indulged in an act and thus, would have created evidence against herself for getting implicated. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove her innocence. It is further submitted that Abha @ Abha Kumari had approached this Court seeking anticipatory bail by filing Cr. Misc. No.72640 of 2024 and the same was allowed by an order dated 07.10.2024.

7. Learned A.P.P. opposes the anticipatory bail application.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Mr. Kumar Sashi, the learned Judicial Magistrate,



1st Class, Saran at Chapra in connection with Rivilganj P. S.
Case No.375 of 2022, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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