

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65833 of 2024

Arising Out of PS. Case No.-67 Year-2017 Thana- VIGILANCE District- Patna

SARASWATI DEVI (MUKHIYA OF SIKRAUL PANCHAYAT) WIFE OF
VISHWANATH BIND VILLAGE- CHAKIYA, PO- RAMPUR CHORA, PS-
SHIVSAGAR, DIST- ROHTAS

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE VIGILANCE INVESTIGATION BUREAU, PATNA, BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dudhnath Singh
For the Opposite Party/s : Mr. Ajay Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 28-02-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Vigilance Police Station Case No. 67 of 2017, dated 31.08.2017, disclosing offences under Sections 406/420/467/468/201/120B of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.
3. As per the prosecution case selection process for appointment of Panchayat Teacher was initiated in the year 2008, for which counseling was held in February, 2009. After counseling, merit list was prepared by the Selection/Appointment Committee on 09.02.2009. One



candidate namely, Aftab Ansari, got 67.54%+20 extra wightage marks on the ground of his experience certificate, which was submitted by him, which was found to be forged, subsequently. One candidate namely, Md. Asgar Ali, filed a writ application, bearing CWJC No. 10802 of 2011, challenging the appointment of Aftab Ansari on the ground that he secured 69.18% but in the merit list Aftab Ansari has been placed above him due to marks of experience given to him based upon forged certificate, upon which the High Court directed the Vigilance investigation Bureau to institute a case and conduct enquiry and pursuant thereto Vigilance P.S. Case No. 67 of 2017 was registered.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. She has falsely been implicated in the present case due to oblique motive inasmuch as the petitioner has discharged her duty fairly and justly, as prescribed under the rules. He next submits that under selection process of Panchayat Teacher, there is specific provision for publication of merit list, call for objection and final publication of result with legal scrutiny of



certificates and the petitioner, being Mukhiya of Gram Panchayat, Sikraul, at the time of selection/appointment in the year 2008, was neither the custodian of records nor during entire selection process was part of any irregularity and/or favoritism. He further submits that the similarly situated co-accused person, namely, Ram Awtar Ram @ Shri RamAvtar Ram, who was the then Panchayat Secretary during the selection/appointment process of Panchayat Teachers in the year 2008, has been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 83843 of 2024.

5. On the other hand, learned counsel for the opposite party vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against the petitioner. The petitioner was member of selection committee and she failed to check the authenticity of the experience certificate and the testimonials/certificates by sending it before the concerned authority for verification. The co-accused, who was granted anticipatory bail, was not posted as Panchayat Secretary at the time of preparation of merit list.
6. I have heard learned counsel for the parties and have



perused the materials on record and the impugned order.

7. The appointment of Panchayat Teacher was made and the merit list was prepared during the tenure of the petitioner, who was holding the post of Mukhiya and was Chairman of the Selection Committee. The appointment letter was issued under signature of the petitioner. The selected candidate Aftab Ansari submitted fake experience certificate, which was enquired by the District Programme Officer (Shaksharta), Rohtas. The merit list was verified and examined by the Police Laboratory, in which it was found that there was overwriting and fabrication in the merit list in the marks claimed by the co-accused Aftab Ansari. Rule 11 of the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rules, 2006, casts a duty upon the Mukhiya and the executive officer to get the veracity of certificates and testimonials verified, which the petitioner failed to do. The beneficiary Aftab Ansari's anticipatory bail application was rejected by this Court in Cr. Misc. No. 57067 of 2018, vide order, dated 08.10.2018. The co-accused, who has been granted bail, has mentioned regarding delay in moving the application



for anticipatory bail with the fact that he was not posted as Panchayat Secretary at the time of preparation of merit list. The FIR was lodged in the year 2017 and the petitioner, for the first time, has moved for anticipatory bail in the year 2024.

8. Considering the materials discussed above and the fact that the petitioner was Chairman of the Selection Committee, I am not inclined to grant the petitioner privilege of anticipatory bail.
9. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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