

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63326 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- TERHAGACHH District- Kishanganj

Radha Devi wife of Ganga Lal Harizan Resident of Village-Tegharia, P.S.-
Terhagachh, District-Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Police Inspector-Cum-Enquiry Officer, Vigilance Investigation Bureau,
Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Durga Nand Jha, Advocate
For the State	:	Mr. Ajay Mishra, APP
For the Vigilance	:	Mr. Arvind Kumar, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-01-2025 Heard Mr. Durga Nand Jha, learned counsel for the
petitioner, Mr. Ajay Mishra, learned APP for the State and Mr.
Arvind Kumar, learned Special P.P. for the Vigilance.

2. The petitioner is apprehending his arrest in
connection with Terhagachh P.S. Case No. 71 of 2023, F.I.R. dated
01.11.2023 registered for the offences punishable under Sections
420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that the
marksheet obtained by the petitioner was not genuine.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. In fact, the certificate in question of the petitioner is duly re-verified by the competent authority of the Vigilance Department through the Bihar Sanskrit Shiksha Board, Patna and it was found that the certificate of the petitioner in question was genuine and it appears that the present case has been instituted against the petitioner due to some misunderstanding.

5. Learned counsel for the Vigilance has filed a counter affidavit on behalf of the Vigilance Department in which he has supported the contention of the petitioner. Learned counsel for the Vigilance further submits that pursuant to the report of the Bihar Sanskrit Shiksha Board, the Superintendent of Police, Vigilance has already written a letter to the Superintendent of Police, Kishanganj stating therein that the certificate of the petitioner is genuine and the same was verified by the authority concerned.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Kishanganj in connection with Terhagachh P.S. Case No. 71 of 2023, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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