

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17500 of 2015

Arising Out of PS.Case No. -1981 Year- 2010 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Rajo Chaupal Son of Late Kailu Chaupal, Resident of Village - Baghwa,
P.S. - Mahishi, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jeebach Sharma, Son of Late Luchai Sharma, Resident of Village -
Baghwa, P.S. - Mahishi (O.P. Jallai), District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate

For the Opposite Party/s : Mr. Mustaque Alam(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 15-05-2015

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
complaint case in which processes have been directed to
be issued after cognizance being taken for the offences
punishable under Sections 420, 465, 467, 468 of the
Indian Penal Code.

It is alleged that the petitioner got engaged as
Panchayat Shiksha Mitra in 2005 on the basis of claim of
being a Scheduled Caste, though the petitioner belongs to
a Backward Caste category to be precise Chaupal caste
and there is interpolation with regard to date of birth also.

It is submitted by the learned counsel for the
petitioner that the complaint was filed in 2010 but the
cognizance has been taken on 03.01.2015. The issue of

Chaupal caste comes within Scheduled Caste category has been decided in writ proceeding being C.W.J.C. No. 10463 of 1993 (Kameshwar Chaupal and Ors. Vs. Union of India) vide judgment dated 08.04.1999 as contained in Annexure-2. The complainant also belongs to Chaupal caste and his son has claimed the benefit under the Scheduled Caste category.

Learned counsel for the complainant submits that the petitioner by submitting false date of birth certificate got the employment.

Considering the nature of accusation levelled in the background of dispute between the petitioner and the complainant, the issue being settled through judicial pronouncement and the engagement of Shiksha Mitgra used to be done in 2005 on contract basis of eleven months, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Complaint Case No. 1981C of 2010, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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