

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45968 of 2014

Arising Out of PS.Case No. -267 Year- 2013 Thana -BARAUNI District- BEGUSARAI

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Munilal Mandal S/o Pulki Lal Mandal R/o Village - Budhuchak, P.S.
Kahalgaon, District – Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 01-05-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Barauni Refinery P.S. Case No. 267 of 2013 dated 13.06.2013 instituted under Sections 467/468/471/420 of the Indian Penal Code.

The allegation against the petitioner is that he had submitted a fake caste certificate claiming himself to belong to 'Gond' category which was a Scheduled Caste though he belongs to 'Gangota' caste which is an O.B.C.

Learned counsel for the petitioner submits that there could not have been any criminal intention on the part of the petitioner since he belonged to 'Kharwar' caste which also is a Scheduled Caste as would be clear from the certificate issued by the State Government authorities certifying that the petitioner belonged to that category. It is further submitted



that the said category is classified as a Scheduled Caste in the notification of the State Government and thus the petitioner stood nothing to gain by submitting the said certificate showing himself to be a 'Gond' and in absence of any such undue advantage having been derived by him, no criminal intention can be attributed. It is submitted that it may be a case of unintentional oversight, and the petitioner not having derived any benefit, the Court may take a lenient view of the matter and he may be granted anticipatory bail.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the petitioner who was appointed as Constable in the Central Industrial Security Force doing such a thing being literate and knowing that he did not belong to 'Gond' caste and still submitting a caste certificate which shows him to be a 'Gond', cannot plead innocence. It is submitted that a person who is seeking employment in a uniformed force to uphold the law of the land starting his career on such fraud should not be shown indulgence.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders

and prays for regular bail before the Court below, the same shall be considered on its own merits considering all the points which shall be raised by him including those pleaded before this Court, in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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