

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29713 of 2009

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Narendra Uraon son of Bipat Uraon, resident of village-Hasti Bairiya, P.S.-
Motiyariya, District-West Champaram. Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. S.B.Rai, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

7 01-05-2015

The present application under section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code”) has been filed for quashing the order dated 12.1.2009 whereby the learned Additional Chief Judicial Magistrate, Barh, Patna has taken cognizance for the offences punishable under sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The first information report was lodged on the basis of a written report submitted by the Additional DIGP, GC, CRPF, Mokamaghat. It has been alleged in the first information report that the petitioner submitted a false/fake caste certificate at the time of his appointment. For the purpose of appointment, the petitioner claims himself to be a member of Scheduled Tribe community. On verification, the Sub Divisional Officer, Narkatiyaganj, West Champaran, Bihar has informed the informant of the case that Scheduled Tribe Certificate No.839

dated 25.9.1999 has not been issued by the Block Development Officer, Gounata. It would, thus, appear that there is allegation against the petitioner that he entered into the service on the basis of a fake caste certificate of Scheduled Tribe. The investigating officer found the allegation made in the first information report to be true in course of investigation and, accordingly, submitted charge-sheet in the case against the petitioner. On perusal of allegation made in the first information report and the materials collected in course of investigation as well as the police report submitted under section 173(2) of the Code, the learned Additional Chief Judicial Magistrate, Barh, Patna, found a prima facie case to be made out against the petitioner for the offences mentioned hereinabove.

Regard being had to the facts and circumstances of the case, I find no illegality in the impugned order passed by the court below. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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