

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18727 of 2015

Arising Out of PS.Case No. -52 Year- 2009 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. Shyam Bihari Bharti. S/o Sri Kailash Ram resident of Village - Chakrahansi, P.S.- Buxar, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 02.07.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Begusarai Town P. S. case no. 52/2009 registered under sections 420, 467, 468 and 471 of the Indian Penal Code.

The accusation against the petitioner is that he got employment on the basis of certificate of the scheduled tribe community whereas petitioner belongs to category of other backward caste.

Admittedly, in course of verification, it was found that earlier vide letter no. 1360 dated 29.7.1997 certificate of the scheduled tribe community was issued in favour of the petitioner but later on, it was found that Gond caste comes under other backward caste. Moreover, petitioner has been dismissed from service.

Therefore, taking into consideration the above stated fact,

particularly, this aspect of the matter that certificate in question is not said to be forged and fabricated certificate rather the aforesaid certificate was issued mistakenly and accordingly, it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Begusarai Town P. S. case no. 52/2009 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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