

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8072 of 2016

Arising Out of PS.Case No. -340 Year- 2015 Thana -BUXAR District- BUXAR

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Kamaldeo Singh @ Kamlesh Singh son of Sarabhjit Singh resident of
village Bharat Kasba Police Station Karakat (Gorari) District Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Pd.Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and the

learned A. P.P. for the State.

Petitioner apprehends his arrest in connection with

Buxar (Town) P.S. Case No. 340 of 2015 registered for offences

punishable under Sections 420, 467, 468, 471 and 472 of the

Indian Penal Code.

The prosecution case, as lodged by the Superintendent,

Buxar Jail, is that the petitioner was appointed as a Dresser and

was directed to join in Open Jail, Buxar. The appointment of the

petitioner was completely temporary for a period of six months

with condition that if the documents produced by him are found to

be forged, his services will be terminated. After verification, the

training certificate issued by the Public Health Department was

found to be forged and for producing the forged certificate, the present First Information Report has been lodged.

It has been submitted by the counsel for the petitioner that petitioner was appointed as Dresser in Open Jail, Buxar, but he never joined the said post and never took any Government money by way of salary, as such, he has committed no offence. It has also been submitted by the learned counsel for the petitioner that petitioner has no criminal history, as is evident from paragraph 3 of this petition. Learned counsel for the petitioner has brought to my notice the order dated 25.08.2015 issued by the Director General (Jails), Bihar, Patna whereunder appointment of the petitioner has been cancelled and in the said order, it has been specifically stated that although the petitioner was appointed as Dresser in Open Jail, Buxar, but he never submitted his joining, as such, he has not committed any offence.

However, learned A.P.P. appearing for the State submits that the petitioner being a public servant had taken appointment on the post of Dresser on the basis of forged certificate.

Be that as it may, since the petitioner has not joined his service and never received any remuneration from the Government as his salary, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight

weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 340 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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