

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33543 of 2016

Arising Out of PS.Case No. -986 Year- 2014 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Yogendra Kumar Youshee @ Yogendra Kumar Yoshi S/o Kapil Marar,
resident of Village- Baruah, P.S.-Nauhata, Darhar O.P., District- Saharsa.
2. Dilip Sah @ Dilip Kumar Sah S/o Basudeo Sah
3. Bharat Sah S/o Basudeo Sah
4. Mamta Kumari W/o Bharat Sah All are resident of Village- Kundah,
P.S.- Mahishi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Sah S/o Ganga Sah, resident of Village-Kundah, P.S.-Mahishi,
District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-10-2016 Heard both sides.

The petitioners apprehend their arrest in Complaint Case
No. 986(C)/2014, registered for the offences punishable under
Sections 467 and 468 of the Indian Penal Code.

The complainant alleged that petitioner no. 1 Yogendra
Kumar Yoshi is the headmaster of Middle School, Kundah and
petitioner no. 2 Dilip Sah is Assistant Teacher, petitioner no. 3
Bharat Sah and petitioner no. 4 Mamta Kumari are elder brother
and sister-in-law of petitioner no. 2 Dilip Sah. Tuntun Sah his son
got admission in the school in which his Date of Birth was written

as 10.02.1998. Tuntun Sah passed matriculation examination, but thereafter petitioner no. 1 made interpolation in the birth certificate of Tuntun Sah and that is why he was found unfit for appointment to the post of Anganbari.

It is submitted that no offence under Sections 467 and 468 of the Indian Penal Code is made out. There is nothing on record to show that the petitioner no. 1 or any other petitioner made any interpolation in the Date of Birth of Tuntun Sah son of the complainant. The son of the complainant passed matriculation examination in the year 2011 and there is direction of the Board that no candidate shall pass matriculation examination whose age is below sixteen years.

On the other hand, Mr. Shiv Shankar Sharma learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the facts aforesaid and the fact that there appears no material that any of the petitioners made any interpolation in the Date of Birth of Tuntun Sah, the petitioners above-named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Saharsa in connection with Complaint Case No. 986(C)/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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