

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17965 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -PAHARKATTA District- KISANGANJ

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1. Nasrin @ Nasrin Azmi, Wife of Anwar Alam, Resident of Village-Mir Basti Ratua, P.O. and P.S. Pahar Katta, District- Kishanganj.
 2. Anwarul @ Anwarul Haque, Son of Faqrul @ Faurkhuddin, Resident of Village- Mir Basti Ratua, P.O. and P.S. Pahar Katta, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam
: Mr. Anita Kumari
For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-05-2017 The petitioners are apprehending their arrest in connection with Paharkatta P.S. Case No. 30 of 2016, registered for offences punishable under Sections 420, 406/34 Indian Penal Code.

Allegation against the petitioners is that on the basis of forged *Katihan*, they obtained the caste certificate for contesting the election of *Mukhiya*.

It has been submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. They have applied for caste certificate for contesting the panchayat election online before the Circle Officer and circle officer forwarded the same to *halka karamchari* and after due verification, caste



certificate was issued but later on when petitioner no. 1 got elected as *Mukhiya*, it is alleged that on the basis of forged *Katihan*, she obtained the caste certificate. Further it is the sole responsibility of authorities concerned to verify the authenticity of caste of the petitioners before issuing the caste certificate and as such no offence under the above Sections of Indian Penal Code is made out against the petitioners.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, nature of allegation, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Kishanganj, in connection with Paharkatta P.S. Case No. 30 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

It is also made clear that during investigation, if any serious incriminating material comes against the petitioners, their bail bonds will be liable to be cancelled.

(Vinod Kumar Sinha, J)

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