

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58449 of 2018

Arising Out of PS. Case No.-267 Year-2018 Thana- BIHPUR District- Bhagalpur

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Raj Kumar Sharma @ Rajesh Kumar Suman S/o Sri Naresh Sharma, R/o
Vill.- Milki, P.S.- Bihpur, in the District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-12-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bihpur P.S. Case No. 267 of 2018 instituted under Sections 419/420 of the Indian Penal Code.

3. The allegation against the petitioner is that he had passed the matriculation examination in the year 1986 in the 3rd Division but in 1990, he again appeared under a different name in which he is shown to have passed in the 1st Division. It has further been alleged that after suppressing these facts, on the basis of the 1990 certificate, he had obtained employment in the year 2011.

4. Learned counsel for the petitioner submitted that he had not committed any fraud and that he has two names and that is why there are two certificates in different names. It was further



submitted that he has not committed any forgery. However, to a direct query of the Court as to why the two names or alias were not mentioned in the certificate right from the beginning and how without permission he had appeared for a second time in the matriculation examination, learned counsel could not satisfy the Court with regard to his *bona fide*. Learned counsel further submitted that the petitioner has since superannuated. Learned counsel has produced before the Court copy of order dated 08.10.2018 by which one Bharat Sharma has been granted anticipatory bail by a Co-ordinate Bench in Cr. Misc. No. 54912 of 2018.

5. Learned A.P.P. submitted that the fraud is apparent for the reason that after obtaining the second certificate, he had managed to get employment which clearly shows the malafide as there was no occasion for him to change his name and also for appearing for the second time in the examination without proper permission. Learned counsel further submitted that Bharat Sharma was charged with being a facilitator in the matter of the petitioner obtaining the matriculation certificate but in the present case, it is the petitioner himself who has obtained the matriculation certificate and has also obtained employment based on the same.



6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bai to the petitioner. The application stands dismissed.

(Ahsanuddin Amanullah, J)

Nasimul/-

AFR/NAFR	
CAV DATE	
Uploading Date	18-12-2018
Transmission Date	18-12-2018

