

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11688 of 2019**

Arising Out of PS. Case No.-246 Year-2018 Thana- ARA MUFFSIL District- Bhojpur

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GARJU GOND @ GARJU KANU @ GARJU KUMAR Son of late Banwari
Gond @ Banwari Kanu R/o village- Basamanpur, P.S- Ara Muffasil, Dist.-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 323, 504, 506, 420, 467, 468 and 471 of the Indian Penal Code.

Informant has stated that a complaint case in the court of C.J.M. Ara, alleging that petitioner belongs to Kanu caste but has obtained certificate of Gond Caste on the basis of forged document and taking advantage of Government Schemes, although he does not come under Scheduled Tribe Category. The case was



transferred under Section 156(3) of Cr.P.C to the police and FIR was instituted after investigation the case was found to be true and chargesheet has been submitted against petitioner.

It has been submitted on behalf of petitioner that he belongs to Gond caste for which a certificate of Scheduled Tribe category has been issued in his favour by the competent authority and same caste certificate has not been cancelled, as such no criminal case can be instituted against him and the whole criminal proceeding is without any basis. Petitioner has got no criminal antecedent and is in custody since 23.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Ara (Muffasil) P.S. Case No. 246 of 2018 (Corresponding to G.R. No. 3367 of 2018)**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the



court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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