

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52801 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- SRINAGAR District- West Champaran

1. MD. ISLAM MIYAN @ MD. ISLAM SON OF LATE BIKHI MIYA @ MIKHI MIYAN R/O VILLAGE- BAGHAMBARPUR, P.S.- SRINAGAR (PUJAHAN), DISTRICT- WEST CHAMPARAN
2. SANTOSH KUMAR SON OF LATE BAIDHNATH SAH R/O VILLAGE- BAGHAMBARPUR, P.S.- SRINAGAR (PUJAHAN), DISTRICT- WEST CHAMPARAN
3. ANIL KUMAR SON OF SRI PRABHU SAH R/O VILLAGE- BAGAHI BAGHAMBARPUR TURHA TOLI, P.S.- SRINAGAR (PUJAHAN), DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratik Mishra
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Srinagar P.S. Case no. 18 of 2022 instituted for the offence under Sections 467, 468, 471, 420, 120(B) of the Indian Penal Code.

As per allegation in the complaint petition, complainant is elected Mukhiya of Gram Panchayat in the year 2022. Earlier in the year 2016, he also contested for the same



post in which he loose and accused no. 1 won the election. After getting defeated in Panchayat election of the year 2022, accused persons planned to implicate him in a conspiracy to harass him mentally and socially. All accused persons prepared fake paper and given it to S.D.M., Bettiah on 21.10.2021, which was inquired by local circle officer, on the order of S.D.M. After enquiry, Circle Officer has given a report from which it reveals that the certificate no. BCCO/2021-37845 dt. 24.08.2021 which is caste certificate in which caste of informant is mentioned as Kushwaha (Koiri) was not issued by Circle Officer. It is further alleged that all accused persons prepared that fake paper for the purpose of harming to the informant by using it genuine for their benefit and causing economic and other damage to the informant.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. The entire allegations levelled against the petitioners are false and based on concocted story. Informant belongs to Koiri (Kushwaha) caste which comes under the category of backward caste but with a view to contest the election to the post of Mukhiya of Gram Panchyat Raj Bagahi Baghambarpur which is a reserved constituency for extremely backward class



he has declared himself to be belonging to Dangi caste which comes under the category extremely backward class, before the election commission with the caste certificate in his name of Dangi caste dated 01.04.2016 which is out and out false. The joint Investigation Committee consisting of District Welfare Officer, West Champaran (Bettiah), Deputy Collector of Land Reforms, Bettiah Sadar and Additional Collector, West Champaran (Bettiah) in its report dated 01.11.2021 has recommended to cancel the caste certificate of caste Dangi issued in the name of the informant as in the survey Khatiyani Standing in the name of his ancestors the caste has been mentioned as Kaum Koiri which is the primary basis for issuance of caste certificate. The Circle Officer, Baira vide order dated 18.01.2022 cancelled the caste certificate dated 01.04.2016 issued to the informant for caste dangi (Annexure-6).

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a



period of four weeks from today and in the event of their arrest or surrender in connection with Srinagar P.S. Case no. 18 of 2022, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran, Bettiah subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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