

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64926 of 2023

Arising Out of PS. Case No.-659 Year-2022 Thana- BODHGAYA District- Gaya

BANTY KUMAR @ BANTI KUMAR Son of Birendra Yadav R/o vill and
Post - Bodhgaya, P.s. - Bodhgaya, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.

For the Opposite Party/s: Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bodhgaya P.S. Case No. 659 of 2022 registered on 12.10.2022, for the alleged offence under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code.

3. The allegation against the petitioner is that he procured false certificate showing wrong age and the fact came to light when an enquiry was held pursuant to orders of a co-ordinate Bench of this Court in Cr. Revision No. 644 of 2021. The enquiry has been initiated in the background of the fact that a person having a long criminal history was declared juvenile on the basis of false certificate of age issued by the school. The



petitioner was also accused in Bodhgaya P.S. Case No. 547 of 2019 which was registered under Sections 413 and 414/34 of the Indian Penal Code wherein he was declared juvenile on the basis of the forged certificate issued by the school.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not a party in Cr. Revision No. 644 of 2021 and at no point in time the notice was issued to the petitioner and whole enquiry was conducted in absence of the petitioner and it is against the principles of natural justice. Only material against the petitioner is that on the basis of forged certificate, he took admission in the school and the said transfer certificate was not genuine. The petitioner cannot be held responsible if the transfer certificate was found to be forged since the petitioner was only knowing that the transfer certificate was genuine. Moreover, the petitioner has been acquitted in Bodhgaya P.S. Case No. 547 of 2019 in which he was declared juvenile. Learned counsel further submits that the petitioner is having criminal antecedents of three cases including Bodhgaya P.S. Case No. 547 of 2019.

5. Learned APP for the State opposes the contention made on behalf of the petitioner and submits that the name of



the petitioner transpired when enquiry was made pursuant to the orders of the co-ordinate Bench of this Court in Cr. Revision No. 644 of 2021 and it has been observed by the co-ordinate Bench that the criminals are obtaining forged age certificates on the basis of fabricated documents and this petitioner is also involved in getting the forged certificate and he got himself declared juvenile on the basis of said certificate.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner tried to hoodwink the criminal justice system by procuring forged certificate for getting himself declared juvenile, I am not inclined to grant the petitioner anticipatory bail.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Arun Kumar Jha, J)

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