

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50857 of 2025

Arising Out of PS. Case No.-660 Year-2022 Thana- BODHGAYA District- Gaya

Chandan Kumar Son of Sanjay Prasad village- Hathiyar, Ps- Bodh gaya, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : M/s. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending arrest in connection with Bodh Gaya P.S. Case No. 660 of 2022, dated 12.10.2022, lodged under Section 420, 471, 120(B), 467 and 468 of the Indian Penal Code, pending before the Court of J.M., 1st Class, Gaya.

3. As per the prosecution, FIR has been lodged against the present petitioner on the allegation that he obtained a forged and fabricated certificate in which an incorrect date of birth was mentioned, on the basis of which he declared himself as a juvenile and took its benefit. Subsequently, pursuant to an order of this Court, an inquiry was conducted by the District Education Officer, Gaya. The DEO found that in the alleged Transfer Certificate (TC) register, only 73 persons were named,



and in the institution register, entries for only 73 persons existed, no name was entered at serial No. 74. On this basis of which, the DEO, Gaya, instituted the present FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that at the time of hearing of the petitioner's anticipatory bail, the learned Sessions Court had called for the register from the principal, and the principal appeared with the register. It was acknowledged by the Sessions Court that an entry had been made in the institution register, and at serial No. 74, the name of the petitioner appeared. Therefore, he submits that the petitioner be directed to be released on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that this Hon'ble Court is a Court of Record and that there are two things before the Court. First, the observation of the District Education Officer, Gaya, who perused the register and found that serial No. 74 was not present, and second, the statement of the principal, who produced a register in which serial No. 74 was present. It is submitted that, in comparison to the principal, the DEO holds a higher post, therefore, this Court should place reliance on the statement of the DEO rather than that of the principal.



6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 6 weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

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