
(2016) 01 JH CK 0007
In the Jharkhand High Court
Case No : A.B.A. No. 1911 of 2015

Dhirendra Prasad Singh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 04-01-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438(2)
Penal Code, 1860 (IPC) — Section 419, Section 420, Section 467, Section 468, Section 471

Citation : (2016) 1 AIRJharR 368

Hon'ble Judges : Harish Chandra Mishra, J.

Bench : Single Bench

Advocate : Mahesh Tewari and Praveen Akhouri, for the Appellant;

Final Decision : Disposed Off

Judgement

Harish Chandra Mishra, J.—1. Heard the learned counsel for the petitioner and learned counsel for the State. The petitioner is apprehending his arrest in connection with Gumla P.S. Case No. 140 of 2015, corresponding to G.R. No. 434 of 2015, for the alleged offence under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

2. There is allegation against the petitioner of contesting the Municipal Elections, Gumla, on the basis of forged caste certificate. The petitioner won the election and he was also elected as the Chairman of Nagar Panchayat, Gumla. It appears from the FIR that subsequently an enquiry was held and it was found that the petitioner had contested the election on the basis of a forged caste certificate, which was found to be forged even by the State Election Commission and accordingly, by the order of the Deputy Commissioner, Gumla, the FIR was lodged against the petitioner. It is an admitted fact that the petitioner has since been removed from the office of the Chairman, Nagar Panchayat, Gumla.

3. It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case and the Caste Certificate was rightly issued to

the petitioner by the concerned authorities. It is submitted that earlier also such caste certificates were issued in favour of the petitioner by the authorities concerned, on the basis of which the petitioner had contested the elections of Legislative Assembly.

4. Learned counsel accordingly, prayed for anticipatory bail. Learned counsel for the State has opposed the prayer for bail and has pointed out from an enquiry report of the Chairman, National Commission of Schedule Tribes, showing that the Caste Certificate of the petitioner was found to be forged. Learned counsel for the State accordingly, opposed the prayer.

5. However, the report, which is on record, shows that there is no allegation against the petitioner of forging any caste certificate, rather it is apparent that the caste certificate was issued in favour of the petitioner by the concerned authority. It is apparent from the enquiry report that the caste certificate was issued to the petitioner on the basis of Record of Rights, which is alleged to be forged, showing the petitioner to be of "Kharwar" Caste, whereas in the actual document of the Record of Rights the petitioner was shown to be belonging to "Chattri" caste.

6. From the report of National Commission of Schedule Tribes, it is apparent that though the petitioner claimed to be of "Kharwar" Caste, proper enquiry was not made by the authorities concerned and without making the proper enquiry, the caste certificate was issued to the petitioner by the concerned authorities.

7. Be that as it may. The fact remains that the petitioner has since been removed from the Office of Chairperson of Nagar Panchayat, Gumla. In view of the fact that the report shows that there was negligence on the part of the authorities concerned in issuing the caste certificate to the petitioner, I am inclined to grant anticipatory bail to the petitioner. Accordingly, it is directed that in the event of surrender/arrest, the petitioner Dhirendra Prasad Singh shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount of each to the satisfaction of learned Chief Judicial Magistrate, Gumla, in connection with Gumla P.S. Case No. 140 of 2015, corresponding to G.R. No. 434 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.