

(2020) 12 PAT CK 0093

Patna High Court

Case No: Criminal Miscellaneous No. 25399 Of 2020

Umesh Kamat @ Umesh Kumar
Kamat

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Dec. 11, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 406, 420, 467, 468, 471

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Prithvi Nath Mishra, Chandra Sen Prasad Singh

Final Decision: Dismissed

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Prithvi Nath Mishra, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor

(hereinafter referred to as the "APP"™) for the State.

3. The petitioner apprehends arrest in connection with Valmiki Nagar PS Case No. 69 of 2019 dated 12.11.2019, instituted under Sections

420/406/467/468/471 of the Indian Penal Code.

4. The allegation against the petitioner is that he had got employment in May, 2015 on the basis of certificate relating to his eligibility which was found to be forged and fabricated.

5. On 06.11.2020, the Court, while noticing the specific stand taken on behalf of the petitioner that without any verification, only on the basis of such

bald allegation, the petitioner had not only been dismissed from service but also faces imprisonment. A categorical stand was also taken that the certificate submitted by the petitioner, on the basis of which he had got employment, was genuine.

6. The aforesaid stand had persuaded the Court, on 06.11.2020, to direct learned APP to get the legible photocopy of the entire case diary and also ensure that the same should contain information relating to verification of the so called forged certificate of the petitioner from the authority/institution which had issued the same.

7. Today, learned APP submitted that the same have been received from the Superintendent of Police, Bagaha in which there is specific finding that the Authority which was shown to have issued the certificate has reported that the same was not issued by the institution. Thus, it was submitted that the said certificate is clearly forged and fabricated.

8. When called upon, learned counsel for the petitioner submitted that he has already lost his job and, thus, the Court may take a sympathetic view in the present matter.

9. Learned APP submitted that the stand on behalf of the petitioner is misplaced, for the reason that he has not lost his job but rather it is a case where the job never belonged to the petitioner and he is, for all practical purposes, a usurper, as a bona fide candidate having genuine and requisite eligibility qualification was denied employment and the petitioner on the basis of a forged and fabricated certificate had obtained employment and, thus, he had enjoyed the fruits of his employment for four years and now when it has been established beyond doubt that the said certificate submitted by him before the authority was fake, forged and fabricated, the Court would not grant any indulgence to him.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

11. Accordingly, the application stands dismissed.