

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
A.B.A. No. 2210 of 2022

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Madhusudan ..... Petitioner  
Versus  
The State of Jharkhand through Vigilance  
..... Opposite Party

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**CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY**

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For the Petitioner : Mr. Ajit Kumar, Sr. Advocate  
Ms. Kumari Sugandha, Advocate  
For the State : Mr. Ashish Kumar, A.C. to G.A. II

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**Oral Order / Dated : 04.07.2022.**

The anticipatory bail application filed on behalf of petitioner, who is apprehending his arrest in connection with Special Case No.42 of 2013 corresponding to Vigilance P.S. Case No. 39 of 2013 for the offence registered under Sections 419, 420, 406, 409, 467, 468, 469, 471, 477A, 109, 120B of the Indian Penal Code, Section 13(2) read with Section 13(1) of the Prevention of Corruption Act is pressed into motion.

As per the prosecution case, the petitioner under a criminal conspiracy obtained caste certificate of schedule caste and got admission in Indian School of Mines and later on also on the basis of it, was selected by the Bihar Public Service Commission for the post of Deputy Superintendent of Police in 37<sup>th</sup> Bihar Public Service Commission, Combined Civil Services Examination held in the year 1991. It is further case of the prosecution that in order to obtain caste certificate, he was given in purportedly in adoption of a schedule caste family and later on it was detected that he under a criminal conspiracy had obtained caste certificate by claiming himself to be adopted in the schedule caste family.

It is submitted by the learned counsel on behalf of the petitioner that the process of adoption had taken place before the Court of Executive Magistrate, Nawada, Bihar on 10.03.1978 when the petitioner was 14 years old. Thereafter, caste certificate of the petitioner was issued by the B.D.O., Kawakole, Nawada on 25.04.1979. At that time, he was still minor. All the procedures of adoption were followed and after adoption, the name of adoptee father was entered into in the school register and in all other document. These events took place much before he appeared in 37<sup>th</sup> Bihar Public Service Commission, Combined Civil Services Examination. He was terminated from service against which he preferred before Hon'ble Patna High Court in CWJC No.14254 of 2001 which was allowed but in the LPA, the order passed by the Single Judge was set aside. In this case Hon'ble Court directed that he may file revision before the State of

Bihar and the matter be considered by the Government by virtue of his marks he was entitled to for another post in Bihar Administrative Service. It is also submitted that finding of adoption has been upheld by this Court wherein it has been held that there is no requirement of the registration of adoption. In W.P.(C) No.3288 of 2017 whether on the basis of the adoption it can be treated as cast of adoptive family is different issue but it does not make out any criminality by virtue of mere adoption. Lastly, it is submitted that the offence alleged will not be made out on the basis of these materials as arrayed against this case. Charge sheet has also been submitted in this case and he has co-operated. There is no further requirement of custodial interrogation in this regard.

It is further submitted on behalf of the petitioner that no criminality can be attributed against this petitioner.

Reliance has been placed in this regard:-

**1. Aman Preet Singh Versus C.B.I. through Director; 2021 SCC OnLine SC 941**

**2. Siddharth Versus State of Uttar Pradesh & Another; (2022) 1 SCC 676**

Learned A.P.P. has opposed the prayer for bail.

Considering the submissions made, the anticipatory bail application is allowed. Accordingly, the petitioner, above named, is directed to surrender before the learned Trial Court within a period of two weeks and in the event of his arrest or surrender, he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of the Court below, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner will co-operate in the investigation and will appear under Section 41A Cr.P.C. as and when required and comply with the condition as laid down under Section 438(2) of the Cr.P.C.

**(Gautam Kumar Choudhary, J.)**

Sandeep/