

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14279 of 2023

Applicant :- Neeraj Kumar Patel @ Sanjeet Kumar Patel

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Civil Sectr. Lko.

Counsel for Applicant :- Ravindra Prakash Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ravindra Prakash Ojha learned counsel for the applicant, Sri Amitabh Chaturvedi learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.0887 of 2023, under Sections 420 IPC, Section 67 of Information Technology (Amendment) Act and Section 3 & 9 of Uttar Pradesh Public Examination Act, 1998, registered at Police Station Kotwali Sadar, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.10.2023 alleging that during PET-2023 examination conducted by U.P. Subordinate Services Selection Commission, co-accused Sujeet Kumar @ Sujeet was writing the examination paper and it was found that he was using an electronic device and he told that some person sitting at Prayagraj was given undue help to him in solving the paper. Co-accused Sujeet Kumar stated that his nephew Neeraj Kumar Patel,(the applicant) was sitting outside the examination center and the applicant had to appear in an examination to be held at Kanpur on the next day.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is a 24 years old person having no criminal history and he has been implicated falsely in the present case.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that even as per the FIR's allegations, the applicant was present outside an examination

center and there is absolutely no allegation of any act committed by the applicant which may amount to commission of an offence and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

7. Accordingly, this bail application stands allowed.

8. Let the applicant-**Neeraj Kumar Patel @ Sanjeet Kumar Patel** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 5.12.2023

Renu/-