

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29637 of 2014

Arising Out of PS.Case No. -307 Year- 2014 Thana -MUZAFFARPUR CITY District-
MUZAFFARPUR

- =====
1. Pawan Kumar Son of Rajendra Singh Resident of Village - Dhangai,
P.S.- Bikramganj, District- Rohtas at Sasaram
2. Akhilesh Kumar Son of Sugrim rai Resident of Village AND P.O.-
Pakadi, P.S.- Koilwar, District - Bhojpur at Ara

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 13-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection
with Muzaffarpur (Town) P.S. Case No. 307 of 2014 registered for
the offences punishable under Sections 420, 465, 467, 468/34 of
the Indian Penal Code.

Allegedly, the petitioners during personal
verification and inquiry were found having knowledge below the
average and it was presumed that both the petitioners have got
success in written examination of Constable Recruitment by using
unfair means with the help of others and accordingly, their

selections were cancelled and FIR has been lodged.

Submission is that in the written examination of Constable Recruitment there was objective test and the petitioners have succeeded and again only with a view to harass they have been tested subjectively and it is decided that the petitioners have got lesser knowledge than average and no case of cheating, fraud or impersonation is made out. It has further been submitted that the Selection Board has exceeded its jurisdiction by conducting another written test, and as such the petitioners deserve sympathetic consideration to which the learned APP opposes.

Considering the submissions urged at bar, after going through the allegations and noticing that it is not a case of impersonation or committing forgery, the petitioners, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur (Town) P.S. Case No. 307 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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