

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21319 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

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Kanahiya Kumar @ Kanhaiya Kumar Son of Ram Pravesh Mahto Resident
of village Patpara, P.S. - Bibhutipur, Dist - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-07-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 419, 420 of the Indian Penal Code and Sections 3/4 of the
Bihar Conduct of Examination Act, 1981.

Satish Kumar, elder brother of the petitioner,
impersonated the petitioner Kanhaiya Kumar and appeared at the
Intermediate Examination. It is submitted that no offence under
Section 420 of the Indian Penal Code is made out. The brother of
the petitioner has already been enlarged on regular bail by the
learned court below.

Considering the fact that at the instance of the
petitioner, his brother Satish Kumar impersonated the petitioner
and appeared at the examination in order to fetch good marks, I
am not inclined to enlarge the petitioner on anticipatory bail in

Warisnagar P.S. Case No. 43 of 2015. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from the date of receipt / production of a copy of this order and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced from this order and taking into consideration that his brother, who was appearing at the examination in place of the petitioner, has already been granted regular bail.

(Prabhat Kumar Jha, J)

Dilip/-

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