

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39388 of 2015

Arising Out of PS.Case No. -107 Year- 2015 Thana -SHEKHPURA District- SEKHPURA

1. Kamlesh Kumar son of Siya Sharan Yadav, resident of village- Ambari P.S. Shikhopur Sarai District- Sheikhpora.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Ajay Kumar 1(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2015 Heard Mr. Ram Vinay Prasad Singh along with Mr. Vinod Gautam, learned counsels for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in Sheikhpora P. S. Case No. 107/ 2015 registered for offences punishable under Sections 419, 420/34 of the Indian Penal Code.

The prosecution case is that on 13. 04.2015 the informant, who is Commandant, Bihar Home Guard, Sheikhpora gave a written report to O/C Sheikhpora P. S. stating that on 14.02.2015 another person participated in place of the petitioner in the physical test of Home Guard. It is alleged that he has used wrong and fraudulent means in the alleged test conducted for appointment of Home Guard. In this regard a committee

comprising S.D.O. and S.D.P.O. was constituted by the order of District Magistrate, Sheikhpura to look into the aforesaid matter.

It has been submitted by the learned counsel for the petitioner that the allegations against the petitioner is similar to those other three accused, who have already been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 25074 of 2015 on 14.07.2015 and Cr. Misc. No. 37239 of 2015 dated 14.09.2015, respectively. I do not propose to take a different view on similar allegations.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from today before the Court below, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate (In-charge), Sheikhpura or his successor in connection with Sheikhpura P. S. Case No. 107/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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