

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42754 of 2015

Arising Out of PS.Case No. -537 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

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Om Babu Ganesh S/o - Kanhaiya Lal Ganesh resident of Kurimani, P.S. -
Thakurganj, District - Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Raj Ballabh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA
ORAL ORDER

3 18-12-2015 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor, for the State.

The petitioner prays for anticipatory bail in a
case under Sections 419,420 of the Indian Penal Code and
Section 14 of the Bihar Conduct of Examinations Act, 1981.

The allegation against the petitioner is that at his
instance one Md. Sahroz Alam was appearing in the written
examination, 2014 for the appointment to the post of constable
in Bihar Police and the said person was caught taking the
examination in the name of the petitioner, Om Babu Ganesh
having Roll No. 1036010295. The statement of the said Md.
Sahroz Alam was also recorded at the same time on the spot and
made a part of the FIR in which the said Sahroz Alam admitted

the fact that he was taking the examination in place of the petitioner with the Roll No. of the petitioner.

Learned counsel for the petitioner submits that the petitioner has no concern with the said Md. Sahroz Alam and he does not know how and for what reason the said person was taking the examination in his name. He further submits that the petitioner was not found in the examination hall and he was, in fact, on that date not even at Kishanganj and thus no offence is made out against him.

Learned counsel for the petitioner submits that it is for the examination authority to say as to how the said Md. Sahroz Alam was permitted to enter the examination hall and take the examination on the basis of an admit card of the year 2012. It is further submitted by learned counsel that the statement of Md. Sahroz Alam does not anywhere show that the petitioner had asked him to take the examination on his behalf.

Learned Additional Public Prosecutor, on the other hand, submits that the witnesses have supported the statements made in the FIR. It is further submitted by him that there is no reason why the said Md. Sahroz Alam would enter into the examination hall and start writing papers in the name of the petitioner and with his Roll No. unless he had been asked by

the petitioner to impersonate him in taking the examination.

On a consideration of the facts and circumstances of the case, this Court does is not inclined to release the petitioner on anticipatory bail.

The prayer for anticipatory bail is, accordingly, rejected.

(Ramesh Kumar Datta, J)

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