

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43019 of 2014

Arising Out of PS.Case No. -92 Year- 2014 Thana -NARDIGANJ District- NAWADA

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Shiv Shankar Kumar son of Chaturi Chauhan, R/o village- Vasta, P.S.-
Tharthari, District- Nalanda at Biharsharif

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.45216 of 2014

Arising Out of PS.Case No. -92 Year- 2014 Thana -NARDIGANJ District- NAWADA

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1. Yadunandan Prasad Son of Late Kasi Bhagat Resident of village-
Nardiganj, in the district of Nawada, Presently working as Lecturer at
Nardiganj College, Nardiganj in the district of Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.43019 of 2014)

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sharda Kumari (App)

(In Cr.Misc. No.45216 of 2014)

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

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

ORAL ORDER

3 22-04-2015 Above noted both the applications have arisen out of

one occurrence i.e.Nardiganj P.S. Case No. 92 of 2014 registered

for the offences punishable under Sections 419, 420 and 120B of

the Indian Penal Code in which the petitioners above named of

both the cases apprehend their arrest, as such, they have been

heard together and are being disposed of by this common order.



After getting an information regarding unfair means in examination conducted by deemed university Allahabad at the examination centre Naradiganj College, the informant and other officials went there but came to know that the examination is not being held at the said college rather the same is being held at St. Joseph English High School, Naradiganj and thereafter, they proceeded for there and saw some gathering, then two boys were caught writing answer sheets and both disclosed that they were writing answer sheets of Shiv Shankar Kumar who is their maternal uncle, accordingly, copy was seized. Both also disclosed that copies were brought from the examination hall and then, the informant and others went to the house of Yadunandan Prasad and searched the outer room and found 16 pieces of copies which were blank and bears signature of Examination Controller.

Submission is of false implication and that nothing has been recovered from the possession of the petitioners, they have got no concern with the said examination and petitioner Shiv Shankar Kumar was not caught at the spot and further petitioner Yadunandan Prasad was also not caught at the spot and nothing was recovered from his house, and as such, they deserve sympathetic consideration to which the learned APP opposes by submitting that the witnesses have supported the prosecution case

during investigation vide paragraphs 2, 18, 19, 22 and 32 of the case diary.

Consideration that two boys, who were writing answer sheets, at once disclosed the name of petitioner Shiv Shankar Kumar and further from the house of petitioner Yadunandan Prasad 16 pieces of blank copies bearing signature of Examination Controller were recovered, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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