

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.713 of 2015

Arising Out of PS.Case No. -43 Year- 2014 Thana -BANKA District- BANKA

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1. Nawal Rajak S/o Sone Lal Rajak R/o Village Madhopur, P.S. Bath, Distt. Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 12-01-2015 Heard both sides.

The petitioner Nawal Rajak apprehends his arrest in Banka P.S. Case No. 43 of 2014, registered for the offences punishable under Sections 419, 420 and 120(B) of the Indian Penal Code read with Section 6/10 of the Bihar Examination Act.

Allegation against the petitioner is that he set up Raj Mani Yadav to appear in the examination. Raj Mani Yadav was apprehended while appearing at the examination in place of the petitioner.

Learned counsel for the petitioner submits that examination had not started when Raj Mani Yadav was apprehended. Raj Mani Yadav has already been enlarged on bail.

There is very specific allegation that the petitioner set

up Raj Mani Yadav to appear in the intermediate examination. Considering this, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

However, the petitioner, if so advised, may surrender before the court below and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order and keeping in consideration that Raj Mani Yadav has already been enlarged on bail.

(Prabhat Kumar Jha, J.)

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