

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51559 of 2014

Arising Out of PS.Case No. -293 Year- 2014 Thana -KOTWALI District- MUNGER

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1. Himanshu Shekhar son of Kailash Prasad Chaudhary, Resident of village
- Janakpur, P.S. Sangrampur, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Manoj Kr. 1(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-03-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Munger
Kotwali P.S. Case No. 293 of 2014 registered for the offences
punishable under sections 419, 420 of the Indian Penal Code, 10
of the Bihar Examination Conduct Act, 1981 and 66 of the
Information and Technology Act, 2000.

Learned counsel for the petitioner has submitted that
the petitioner has been falsely implicated in this case. He has
submitted that since the petitioner was not impersonating for any
other examinee, the ingredients of the offence punishable under
section 419 are not attracted. According to him, there is no
allegation of cheating and thus the ingredients of the offence

punishable under section 420 of the Indian Penal Code would also not be attracted. Lastly, it has been contended that there is no allegation that the petitioner caused any damage to the computer or computer system without permission of the owner and hence the ingredients of the offence punishable under section 66 of the Information and Technology Act, 2000 would also not be attracted in the present case.

On the other hand, learned counsel for the State has opposed the prayer for bail. He has submitted that the petitioner was caught red-handed while he was cheating in the examination being held for recruitment on the post of Constable.

Be that as it may, regard being had to the fact that the petitioner is having clean antecedent and is in custody since 19th October, 2014, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Munger Kotwali P.S. Case No. 293 of 2014.

(Ashwani Kumar Singh, J)

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