

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3336 OF 2015**

Nishant Kumar S/o Sriram Pathak, Aged about 30 years, R/o Village-Kumhar Bahadurpur Housing Colony Kankad Bagh, Tehsil-Patna, Police Thana-Agamduva, Civil & Revenue Distict-Patna (Bihar)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station-Tarbahar, Civil & Revenue District-Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Mahesh Mishra, Advocate.
For-Non-applicant	:	Mr. Anupam Dubey, Deputy Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.64 of 2015, registered at Police Station-Tarbahar, Bilaspur, Distt.Bilaspur (C.G.), for the offence punishable under Sections 419, 420, 467, 468 & 471/34 of the IPC and Section 4 of the Examination Act, 2008

2. Case of the prosecution, in brief, is that, in the Railway Recruitment Board examination conducted by RRB in place of the present applicant, co-accused Subham Kumar has appeared and gave examination and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the

present case. Learned counsel would further submit that there is no evidence to connect the applicant in crime in question. He is in jail since 19.3.2015, charge-sheet has already been filed and no useful purpose would be served by keeping him in jail.

4. On the other hand, learned State counsel opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence, the manner in which the applicant is said to have allowed co-accused Subham Kumar to appear in the examination in his place and co-accused is still absconding, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**