

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52813 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -NTPC District- BHAGALPUR

=====

1. Deepak Kumar son of Mahesh Sharma Resident of village - Sariya, P.S.
Rani Talab, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate

For the Opposite Party/s : Smt Indu Kumari Srivastava, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
14.09.2016 in connection with Kahalgaon N.T.P.C. P. S. Case No.
43 of 2015 registered for the offence punishable under Sections
419, 420, 467, 468 and 34 of the Indian Penal Code.

The prosecution case as lodged by the Assistant
Commandant of I.O.C., Barauni is that an examination for the post
of Aarakshak Agni was being conducted on 29.11.2015 in which
co-accused Ravi Shankar Kumar was found impersonating the
petitioner in the written examination.

It has been submitted by the learned counsel for the
petitioner that he is innocent has no criminal history of similar



kind and there is only case which is under Section 307, which is a dispute with Gotia. He further submits that earlier he had moved for bail on 19.10.2016 in Cr. Misc. No. 45393 of 2016 but since his bail application was incomplete, he sought permission to withdraw and move again with appropriate application and liberty was granted. He submits that charge sheet has already been submitted (which was the lacuna in the earlier bail application) hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon N.T.P.C. P.S. Case No. 43 of 2015, subject to the condition that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on



two consecutive dates without giving any reasonable explanation,
this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail
application is allowed.

.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--

