

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40928 of 2016

Arising Out of PS.Case No. -31 Year- 2012 Thana -BARBIGHA District- SEKHPURA

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Abhinav Kumar, S/o Amod Poddar, R/o Abju Ganj, P.S. Bhagalpur, District
– Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate.

For the State : Mr. Manish Kumar 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Barbigha P.S. Case No. 31 of 2012 for the offences instituted
under Sections 419, 420 of the IPC and 10 of Bihar Conduct of
Examination Act.

The prosecution story, in brief, is that one Chhotu Kumar
was appearing in the Matric Examination conducted by Bihar
School Examination Board, Patna, in place of this petitioner.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering with the witnesses alleged against the petitioner. He has
falsely been implicated in the present case. The petitioner is a



Railway employee. He has got no concern with the Annual Examination of the Bihar School Examination Board.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. Such type of conduct is not expected from a government employee.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is disposed of in connection with Barbigha P.S. Case No. 31/2012, pending in the court of learned A.C.J.M.-2nd, Sheikhpura. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court preferably on the same day taking into account that the petitioner is in Railway service.

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(Sudhir Singh, J)

