

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27463 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -ALAMGANJ District- PATNA

1. Ajay Kumar Sinha @ Ajay Sir Son of Vijay Prasad Sinha Resident of
Village-Kayampur,P.S.- Giriyak, District- Nalanda at Biharsharif

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sri Binod Kumar 2

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-08-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 419/420/120(B) of the Indian Penal Code, Section 67(A) of the J.T. Act and 3(x) of the Bihar Examination Act.

Learned counsel for the petitioner submits that though a clear-cut allegation has been made against the petitioner of having sent message to the candidate who was caught red-handed while using the mobile phone inside the examination hall, it is submitted that the petitioner was not aware that at the same day, the aforementioned questions were part of the question paper and the examination of the candidate was on the relevant date. It is further submitted that Bhola Prasad (examinee) was a student who was making anxious queries and therefore, he had given the answers

unknowingly. The petitioner submits that he was not at all aware that Bhola Prasad was inside the examination hall and that the questions sent to him, were part of the examination papers. Accordingly, the petitioner prays for grant of pre-arrest bail.

Having considered the facts and circumstances of the case and in view of the submission that the petitioner had sent the answers unknowingly, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna in connection with Alamganj P.S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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