

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1954 of 2016

Arising Out of PS.Case No. -373 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Deepak Kumar Son of Sri Brajnandan Patel
 2. Nitish Kumar, S/o Arjun Kumar
 3. Aayush Kumar, son of Khelawan Yadav,
All Resident of village- Patuana, P.S.- Biharsharif, District- Nalanda
 4. Laddu Kumar son of Sri Suresh Prasad
 5. Sanju Kumar son of Sri Bishundeo Yadav,
Both resident of village- Lohgani, P.S.- Sohsarai, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Kalyan Shankar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Bihar P.S. Case No. 373 of 2015 registered for the offences
punishable under Sections 419, 420, 467, 468, 120B the Indian
Penal Code.

Learned counsel for the petitioners submits that during
the physical test, it was detected that some persons have
impersonated in the physical test examination held for selecting



Home Guard as such, the Commandant, Home Guard submitted a written report on the direction of the District Magistrate, Nalanda alleging that during the examination of Home Guard in the year 2011, in place of 12 *bona fide* candidates imposter appeared at the Physical test. The suspicion was raised against the petitioners that they too were one of the candidates and in the video footage, it appears that in place of petitioners someone other than the petitioners was appearing in the physical test. It is further submitted that it is only on the basis of suspicion, such a charge has been leveled against the petitioners. It is further submitted that no selection was finally held and therefore, no benefit accrued to these petitioners. It is further submitted that similarly situated co-accused person has been extended the privilege of anticipatory bail vide order dated 06.11.2015 passed in Cr. Misc. No. 49737 of 2015.

Considering the aforesaid submissions and also the fact that petitioners have no criminal antecedents, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial

Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S.
Case No. 373 of 2015, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C..

Jagdish/-

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(Anjana Mishra, J)