

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21983 of 2016

Arising Out of PS.Case No. -96 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

Mithlesh Kumar, Son of Sri Dashrath Mahto, Resident of village -
Manikpur, P.S. Suryagarha, District - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. Uday Chand Prasad (APP)

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH
ORAL ORDER

2 23-05-2016

The petitioner apprehends his arrest in relation to
Lakhisarai (Kabaiya) P.S. Case No. 96 of 2016 registered under
Sections 419, 420, 467, 468, 120(B) of the Indian Penal Code and
Section 10 of Bihar Conduct of Examination Act, 1981.

The allegation is that during conduct of Intermediate
Examination, it was found that one Suman Kumar was
impersonating the petitioner and trying to give the examination.
From his possession, petitioner's Admit Card was also recovered.

Learned Counsel for the petitioner submits that
admittedly the petitioner was not there. In my view, that is of no
consequence on the date of examination that the petitioner's
Admit Card, Suman Kumar was found. The learned counsel for
the petitioner submits that admittedly he was not found at the

examination centre.

I am not satisfied for the simple reason that at the time of examination someone else was attempting to give the paper with the photo copy of the Admit Card of the petitioner. Naturally, the petitioner would not have found there, he was abetting a crime, which is non-bailable.

I am not inclined to entertain this application. It is, accordingly, dismissed.

However, petitioner is directed to surrender before the court below within four weeks and seek regular bail where his prayer may be considered on its own merit without being prejudiced to the order of this Court.

(Navaniti Prasad Singh, J.)

Amit/Rajiv

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