

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54102 of 2016

Arising Out of PS.Case No. -353 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Mukesh Kumar, S/o Laldhari Rajak, R/o - Utari Tola - Katha, P.S. - Birpur,
Dist. - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate

For the Opposite Party : Mr. Atul Chandra (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 02-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection with Begusarai Town P.S. Case No. 353 of 2016, registered for the offences punishable under Sections 419, 420, 120(B)/34 of the Indian Penal Code and under Section 3 of the Bihar Conduct Examination Act, 1981.

Allegedly, in place of the petitioner one Birendra Kumar Singh was found appearing in the written test of constable recruitment, 2016.

Submission is of false implication and that the petitioner was absent on that date, he has not appeared in the examination, no admit card or any paper was recovered from



possession of the Birendra Kumar Singh to show that he was appearing in place of the petitioner. From perusal of the F.I.R. and materials collected during investigation, it reveals that co-accused Birendra Kumar Singh was sitting at the seat of the petitioner and only on that basis the petitioner cannot be implicated, no offence under Section 420 of the I.P.C. is made out and rest are bailable. Birendra Kumar Singh has also been allowed regular bail vide Cr. Misc. No. 39000 of 2016 by order dated 17.09.2016 by another co-ordinate Bench of this Court and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that against the petitioner no offence under Section 420 of the I.P.C. is made out and, as such, the petitioner is directed to surrender in court below and seeks regular bail and in that case his prayer for regular bail shall be considered taking into consideration that rest sections are bailable and, accordingly, this criminal miscellaneous is hereby disposed of.

(Jitendra Mohan Sharma, J.)

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