

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5513 of 2017

Arising Out of PS.Case No. -724 Year- 2016 Thana -SAHARSA District- SAHARSA

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Pankaj Kumar, son of Sainee Prasad Yadav, resident of village-Rampur,
Police Station-Pipra, District- Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2017 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner is apprehending his arrest in connection with Saharsa P.S. Case No. 724 of 2016 instituted for the offences punishable under Sections 420, 419, 468 and 471/34 of the Indian Penal Code and Section 10 of the Bihar Examination Control Act, 1981, has approached this Court for grant of anticipatory bail.

The informant is an Examination Controller, who in course of his invigilation found that one Dayalu Kumar was appearing in the examination in place of this petitioner, Pankaj Kumar. The matter was reported and he confessed that he was appearing for this petitioner at his instance.

The learned counsel for the petitioner submits that this



petitioner was not present in the examination hall and he has wrongly been named by the co-accused. The confession of co-accused cannot make out any offence against the petitioner and deserves sympathetic consideration.

The learned APP opposed the submission.

This petitioner, admittedly, was away from the examination hall and the co-accused was appearing in place of this petitioner having admit card in his possession.

Considering the specific allegation of impersonation against this petitioner, who set other accused to appear on his behalf in examination hall, I am not inclined to extend him the privilege of anticipatory bail. The prayer is, therefore, rejected.

The petitioner may surrender and pray for regular bail which shall be considered and disposed of on its own merit without being prejudiced by the present order.

(Sanjay Kumar, J)

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