

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5396 of 2018

Arising Out of PS.Case No. -534 Year- 2017 Thana -KOTWALI District- PATNA

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1. Lallan Ji Srivastava aged about 68 Years S/o Late Basant Lal, R/o Mohalla- Purbi Ram Krishna Nagar, P.S.- Ram Krishna nagar, New Bye Pass Road, District- Patna. Pin Code-800027.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Examination Controllar Bihar School Examination Board, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheela Sharma

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 07-02-2018 Heard both sides.

The petitioner apprehends his arrest in Kotwali P.S. Case No.534 of 2017 registered under Sections 417, 418, 419, 420, 465, 466, 467, 468 and 120B of the Indian Penal Code.

The informant Section Officer of Bihar School Examination Board, Patna lodged the case on the basis of the report and the order passed by Lokayukta in Lok Shiksha Case No.21 of 2011 corresponding to Complaint No.1 of 2011 that Head Master and other staff of Dayanand Arya High School, Buxar illegally allowed the regular students to appear as ex-student in the Bihar School Examination held in the year 2009.

The learned counsel for the petitioner submits that petitioner



is also one of the Assistant of Bihar School Examination Board, Patna. All the documents and list were prepared by the teachers, head master and the clerical staff of Dayanand Arya High School, Buxar and not by any staff of Bihar School Examination Board. If any error was found in the list sent by Bihar School Examination Board, it was duty of the head master and staff of the school to point out and get the same corrected. It is further submitted that on the basis of the entire written petition, no offence under any of the IPC is made out against the petitioner. Similarly situated co-accused Awdhesh Kumar was also working as Assistant in Bihar School Examination Board and he has already been granted anticipatory bail vide order dated 19.01.2018 passed in Cr. Misc. No.1443of 2018.

The learned counsel for the Bihar School Examination Board could not point out any material to distinguish the case of the petitioner from the case of Awdhesh Kumar.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt / production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Patna in connection with Kotwali P.S. Case
No.534 of 2017, subject to conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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