

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25153 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

1. Himanshu Prakash @ Prakash Kumar Son of Sunil Kumar Dubey Resident
of Village-Krishna Nagar, P.S.-Town, District-East Champaran
2. Piyus Kumar, son of Sudershan Singh, resident of Village Bithwa, P.S.
Dawat, District Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 25208 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

Satyam Kumar, Son of Sudhir Kumar Sharma, Resident of Village- Shambhu
Chak, P.S.- Kalyan Pur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 25153 of 2018)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Pancha nand Pandit

Mr. Ajit Kumar

(In Criminal Miscellaneous No. 25208 of 2018)

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Ajit Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

5 12-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody in
connection with Motihari Town P.S. Case No. 68 of
2018 for offences punishable under Sections 419, 420, 120(B),
34 of the Indian Penal Code, Sections 66 and 67 of the I.T.
Act and Section 10 of the Bihar Examination Conduct Act,



2016.

The prosecution case, as lodged by the police personnel, is that on information that the answer of question paper of Physics has gone viral on mobile whatsapp and is being sold for Rs. 1000/-, the police conducted a raid and apprehended co-accused Abhay Gupta who revealed name of various others including the petitioners to be involved in the said offence.

It has been submitted by the learned counsel for the petitioners that petitioner no. 1 in Cr. Misc. No. 25153 of 2018 and petitioner of Cr. Misc. No. 25208 of 2018 are students of L.N.D. College Motihari, East Champaran, pursuing their graduation course, petitioner no. 2 of Cr. Misc. No. 25153 of 2018 is also a student of M.S. College Motihari, East Champaran pursuing his graduation studies and have been falsely implicated only on suspicion. He submits that neither the petitioners circulated the answers to any other person nor they have made it viral but they received answers from some unknown persons and have been falsely roped in the said offence. He further submits that the apprehended co-accused Kishan Kumar and Abhay Gupta have already been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 22867 of 2018 vide order dated 18.05.2018 and in Cr.



Misc. No. 28520 of 2018 vide order dated 06.07.2018 on whose confession name of the petitioners surfaced. He further submits that examination for those papers has not been dropped and the results have been published. It is also submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and that petitioners are students, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Town P.S. Case No. 68 of 2018, subject to the condition that one of the bailors would be a teacher of the college where the petitioners are pursuing their studies.

(Nilu Agrawal, J)

Rajesh/Pragya

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