

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15427 of 2018

Arising Out of PS.Case No. -248 Year- 2017 Thana -DELHA District- GAYA

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Shakti Kumar, S/o Late Tarkeshwar Prasad, Principal, Ideal Higher secondary Public School, Delhi, P.S.- Delha, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Sahin Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Delha P.S.**

Case No. 248 of 2017 instituted for the offence under Sections 467, 468, 471, 406 and 420/34 of the Indian Penal Code.

Allegation against the petitioner is that he has filled up examination form of 2057 students in place of much beyond the sanction strength of 120 students for Annual Board Examination, 2016 for the purpose of illegal gain and by cheating them under misrepresentation. The instant case has been lodged on the basis of letter sent by the Advocate General in compliance of the direction passed by this Hon'ble Court in CWJC No. 5134 of 2017.

Learned counsel for the petitioner has submitted that



there is no allegation against this petitioner of any misappropriation of money. The Board had issued the Admit Card for the students who appeared in the examination and if the examination forms were beyond the sanction strength, then at the 1st stage , the Board should not have issued the Admit Card. The Board had issued Admit Card to all the students who appeared in the examination, but later on Board has held up the result of the students. It has further been submitted that in fact Board is responsible for committing such irregularities.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Delha P.S. Case No. 248 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-VII, Gaya**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates



without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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