

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53546 of 2017**

Arising Out of PS.Case No. -60 Year- 2004 Thana -LAXMIPUR District- JAMUI

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1. Sunil Singh, son of Baikunth Singh, resident of village-Kesopur, P.S.  
Jhajha Dist. Jamui.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

4/ 20-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Lakshmipur**  
**(Gidhaur) P.S. Case No.60 of 2004** instituted for the offence  
under Section(s) 419, 420, 467, 468, 471, 120-B Indian Penal  
Code.

It has been submitted that the petitioner is not named  
in the First Information Report.

In the written report, it is alleged that the informant  
got secret information that one Dayanath Jha of Gidhaur Bazaar,  
who is teacher in Middle School, Barajor, illegally facilitating  
filing of form for Deoghar Vidyapeeth and also managing writing  
of examination paper at his residence. The informant raided the



house of Dayanath Jha and in presence of independent witnesses made search and found six persons sitting there, who were engaged in writing and dictating. They tried to run away, but the police party caught them. It is further alleged that apprehended persons disclosed their names as Dhrub Nath Jha, Mukesh Mishra, Pramod Mishra, Murari Prasad, Uttam Mishra, Surendra Pd. Chaudhary, and they accepted their guilt. It is further alleged that 44 number of rubber stamp of different name and post, three diary of Dayanath Jha, 190 mark-sheet of Hindi Vidyapeeth of Deoghar, stamp of Vice Chancellor, Kedar Nath Jha, mark-sheets, blank affidavits form, written answer sheets etc. were found as mentioned in the written report. The apprehended persons disclosed before the informant that on the instruction of Dayanath Jha they were indulging in this illegal work. They further disclosed that family members of Dayanath Jha are also involved in this illegal work. It is further alleged that apprehended persons, namely, Suresh Pd. Chaudhary and Dhrub Nath Jha, named other accused as their associates. On the basis of the information given by the aforesaid persons, raid was conducted in the house of Suresh Choudhary from where mark-sheets and other papers, as mentioned in the written report, were recovered. Suresh Choudhary failed to give satisfactory reply



regarding those seized articles. Police prepared seizure list in presence of the witnesses.

Counsel for the petitioner in compliance of the order dated 08.11.2017 has enclosed different seizure lists prepared by the police. In one of the seizure list, few articles were found from the house of Hardeo Narain Singh, son of Digambar Singh and his brother Sunil Singh.

It has been submitted on behalf of the petitioner that he is not the brother of Hardeo Narain Singh, rather, his father's name is 'Baikunth Singh', but the police is after this petitioner.

Learned APP has submitted that name of this petitioner has been taken by co-accused, Deo Narayan Jha, in his confessional statement as mentioned in para 149 of the case diary.

Counsel for the petitioner has submitted that besides aforesaid taking name of this petitioner in the confessional statement of the co-accused in the case diary, there is no specific allegation against the petitioner. There is no recovery of any incriminating article from his possession. The petitioner has clean antecedents.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Lakshmipur (Gidhaur) P.S. Case No.60 of 2004**, 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 the **Judicial Magistrate, 1<sup>st</sup> class, Jamui**, 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.

JA/-

(Sanjay Priya, J)

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