

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64874 of 2018

Arising Out of PS. Case No.-272 Year-2018 Thana- GAURICHAK District- Patna

Deepak Kumar, Son of Sri Manoj Kumar, Resident of Village- Dhanarua,
P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with a case instituted under the Bihar Conduct of Examination Act, 1981 on the charge that he was indulged in adopting unfair means in the I.T.I. examination conducted at Shivam Institute of Technology, Gaurichak, Patna on 09.08.2018.

It is submitted by the learned counsel for the petitioner that section 3 of the Bihar Conduct of Examination Act, 1981 prohibits using of unfair means or cheating in examination and under Section 10 of the aforestated Act, it has been provided that whoever contravenes any of the provisions of Section 3 shall be punishable with imprisonment for a term of one month, which may extend to six months. However, the offence under the Act have been made non-bailable. He



contended that the petitioner has been made victim of circumstances and he has been implicated in the case merely on suspicion. He further contended that there is no truth behind the allegations that he managed to escape rather he was never apprehended or asked to wait at the examination center.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation, in the event of arrest or surrender in the court below within a period of six weeks, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Patna City, Patna in connection with Gaurichak P.S. Case No.272 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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