

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3501 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- SIKARPUR District- West Champaran

1. Sevak Kumar son of Jainarayan Mahto @ Jay Narayan Prasad, resident of village-Kohra Fulwariya, Police Station-Shrinagar (Pujahan), District-West Champaran
2. Mithilesh Kumar @ Mithlesh Kumar son of Shambhu Prasad, resident of village-Kohra, Police Station-Shrinagar (Pujahan), District-West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Shikarpur P. S. Case No. 67 of 2018 registered under Section 420 of the Indian Penal Code and Section 66 of the Information & Technology Act.

It is submitted by the learned counsel for the petitioners that even if the entire allegations made in the FIR is believed to be true, the ingredients of the offence punishable under Section 420 of the Indian Penal Code are not attracted. Moreover, the petitioner is not named in the FIR and merely on



hypothetical presumption and suspicion, he is being chased by the police.

On the other hand, learned counsel for the State submitted that near examination centre one Jitendra Prasad was caught by the police as he was trying to transmit answer of the optional questions through Whatsapp message and the name of the petitioner transpired as one of the co-conspirator in the alleged incident.

Considering the nature of the allegation, in the event of arrest or surrender before the court below, the petitioners, who said to be men of clean antecedent, are 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 learned Chief Judicial Magistrate, Bettiah in Shikarpur P. S. Case No. 67 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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