

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26299 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- SABOUR District-
Bhagalpur

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SANTOSH KUMAR, aged about 19 years, male, Son of Anil Mandal
Resident of Village - Parbatta Jay Mangal Tola, P.S.- Sahu Parbatta, Dist.-
Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Indeshwari Prasad Mandal, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 419, 420, 120(B) of the Indian Penal Code
and Section 10 of the Bihar Control of Examination Act, 1981
registered in connection with Sabour P.S. Case No. 27 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on the accusation that one Kiro Kumar was sitting for
the BSEB examination by impersonating the petitioner. It is
submitted that the ingredients of the offence under Section 420
IPC are not attracted and inasmuch as there is no delivery of
property or valuable security through inducement. The other
accusations under Section 419 IPC and Section 10 of the Bihar
Control of Examination Act, 1981 are bailable. The petitioner
claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from



the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 27 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/BT

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