

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32533 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- BUXAR District- Buxar

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PRAKASH @ CHANDRA PRAKASH Son of Nandjee Singh Resident of
Village - Basudhar, P.S.- Itarhi, Distt - Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jagdish Prasad, Advocate

For the Opposite Party/s : Mr.Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 06-08-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Buxar Town P.S. Case No. 152 of 2019 in which cognizance has been taken for the offence under Sections 465, 468, 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that according to the prosecution version on 25.02.2019 one Gunjan Kumari, C.D.P.O., Buxar -cum- State Magistrate was posted in Government Basic School, Buxar. One S.I. Santosh Kumar was also posted there and the examination of Mathematics paper was going on, at this stage while the girl students were being allowed to enter into the class room, the S.I. noticed that two boys were talking themselves looking at their respective



mobiles. On suspicion when they were checked, on their mobile Whatsap main question of Mathematics and their answers were found handwritten. When the question papers were distributed to the girl students then the question of the examination papers were compared to the question and answer paper found on the mobile Whatsapp and then it was found that both were the same.

Learned counsel submits that on interrogation those boys disclosed their name as Vijay Kumar and Md. Riyaj. In the mobile of Vijay Kumar the name of Chandan Itrihia mobile no. 8271294083 Mausi, Prakash Buxar with Mobile No. 9798249606 and some other connections were found to whom the message relating to the Mathematics subject was sent through Whatsapp. Both the mobiles were seized and seizure list were prepared.

Learned counsel submits that so far as this petitioner is concerned, he has got clean antecedent. It is submitted that actual name of the petitioner is Chandra Prakash and the Mobile SIM is one of Prakash without any details of his address and the alias name of the petitioner has been added at the instance of enemies just to make him an accused. It is submitted that the alleged mobile number does not belong to the petitioner and the said mobile is not of the petitioner.



Learned APP opposed the prayer of anticipatory bail, however, from the case diary he is unable to show that the mobile no. 9798249606 which is said to be that of Prakash Buxar actually belongs to this petitioner. In the case diary there is no material to demonstrate that any identification of the petitioner has been done so far.

In the given facts and circumstances of the case where the petitioner has got no criminal antecedent and according to him mobile number does not belong to the petitioner and till date there is no identification of the name Prakash Buxar, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar Town P.S. Case No. 152 of 2019 , subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the persona shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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