

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60189 of 2018

Arising Out of PS. Case No.-97 Year-2018 Thana- DANAPUR District- Patna

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Harish Kumar Rai @ Harish Kumar Ray S/o Ram Dayal Rai, R/o Muhalla-
Danapur Cantt., P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy

For the Opposite Party/s : Mr.Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 30-01-2019 Heard both sides.

Petitioner apprehends his arrest in Danapur P.S. Case
No.97 of 2018 registered under Sections 420, 162, 165, 165A,
167, 168, 406 and 511 of the Indian Penal Code.

The informant, an Adjutant for Commandant, alleged
in the written petition that some unknown person approached
Maj Mathew KT on 22.02.2018 at about 1800 hrs. to leak
question paper of Combined Entrance Examination being held
on 25.02.2018 in return of gratification in cash but he was
driven away by Maj Mathew. The same person again
approached on 23.02.2018 but Maj Mathew was not present in
his house. It transpired that Havildar Harish, the petitioner, a
serving soldier, was in touch with one Tunu who asked him to
negotiate with Maj Mathew to get the question paper leaked but



Havildar was apprehended. During the course of investigation, it appears that a trap was laid and the petitioner was apprehended by Maj Mathew.

Shri Yogesh Chandra Verma, the learned Senior counsel for the petitioner submits that the petitioner is serving Havildar of the Military. He was duped by Tunu and other accused persons to approach Maj Mathew to obtain the question papers for the written examination but there is no material to show that the petitioner got any money from Tunu and others. Petitioner was handed over to the Unit which he belongs but no case is made out under Section 420 and other sections of the Indian Penal Code against the petitioner and the petitioner may be enlarged on anticipatory bail.

Shri Ramchandra Prasad Singh, the learned Additional Public Prosecutor however, opposes the prayer for anticipatory bail of the petitioner and drew the attention of the Court towards statement made by the petitioner in the case diary in which the petitioner himself disclosed the entire facts how he tried to approach Maj Mathew and his family members.

Taking into consideration the facts that the petitioner being serving member of the Army came in contact with the scamsters for leaking question of written examination but the



petitioner was on trap being laid by the Army was apprehended and handed over to the Unit which he belongs and thereafter the case was lodged, I am not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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