

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73826 of 2019

Arising Out of PS. Case No.-124 Year-2018 Thana- SAHARSA District- Saharsa

Niraj Kumar @ Neeraj Kumar Male aged about 19 years Son of Anil Yadav
Resident of Village & PO Champapur, P.S.- Nauhatta, and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 20-11-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Saharsa Sadar
P.S. Case No. 124 of 2018 registered for the offence under
Sections 419, 420, 467, 468/34 of the Indian Penal Code and
Section 10 of Bihar Conduct of Examination Act.

As per prosecution case, on 08-02-2018, the
Intermediate examination was going on and in the 1st sitting, one
student was caught and upon being asked, he disclosed his name
as Prabhash Kumar and was sitting in place of Niraj Kumar
(petitioner), bearing roll no. 61013.

Learned counsel for the petitioner submits that
petitioner is innocent and committed no offence. In fact, without
the consent of the petitioner, the co-accused Prabhash Kumar
took the admit card of petitioner and entered into the



examination hall. He submits that petitioner has got no criminal antecedent and he is student.

Considering the aforesaid facts and circumstances, in the event of arrest or surrender within a period of six weeks from today, let the petitioner above named be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri P. Kumar, learned Judicial Magistrate at Saharsa in connection with Saharsa Sadar P.S. Case No. 124 of 2018 on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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