

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5919 of 2020**

Arising Out of PS. Case No.-560 Year-2017 Thana- PIRBAHOR District- Patna

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DINANATH SUDHAKAR @ SURENDRA KUMAR Son of Moti Thakur
Resident of Village and P.O.-Agnoor, P.S.-Kaler, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. R.R.B, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Chandra Bhaskar,Advocate
For the R.R.B.	:	Dr. Anand Kumar, Advocate
For the State	:	Mr.Ramadhar Shekhar,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-09-2020 Heard learned counsel for the petitioner and Dr.

Anand Kumar, learned counsel representing Recruitment Board

and as also Mr. Ramadhar Shekhar , learned APP for the State.

The petitioner in the present case is seeking pre-arrest

bail in connection with Pirbahore P.S. Case No. 560 of 2017

registered for the offences punishable under Sections 419, 420,

467, 468 and 471 of the Indian Penal Code and under Section

Bihar Examination Act, 1981.

Learned counsel for the petitioner submits that the

allegation against the petitioner is that he had made one

Srinivas to appear in his place in the recruitment held for the

post of Technician categories in the Railways. That was



allegedly detected when the petitioner went with his certificates for verification and it was noticed that his signatures and finger prints were not tallying to the signature and the finger prints which were obtained from the appearing candidate. The petitioner himself gave a written information to the Chairman of the Railway Recruitment Board in which he accepted that in his place one Sriniwas appeared in the examination for which he has received Rs.10,000/- in cash from the petitioner.

Learned counsel for the petitioner submits that the petitioner was suffering from jaundice during the examination period so he had not appeared in the written examination for the post of technician. He was rather surprised to know that without appearing in the examination he was declared qualified. It is his submission that after lapse of nearly five years the petitioner had come to know about his having been qualified in the examination and as such he had gone for the document verification where the written information was obtained from him under pressure.

On the other hand, Dr. Anand Kumar, learned counsel representing Railway Recruitment Board has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the kind of explanation given by the petitioner is totally against a



commonsense. If the petitioner had not appeared in the examination, still he went for his document verification, it shows that he had made somebody else appeared in his place and on having been declared successful he attempted to take benefit of the same but was doubted and in course of verification the petitioner has himself admitted in writing that in his place one Sriniwas had appeared for which he was paid Rs.10,000/- in cash.

It is submitted that in the given facts and circumstances of the case the petitioner who is an accused in this case is absconding since the year 2017 and at this stage he is looking for anticipatory bail.

Having regard to the facts and circumstances of the case, the kind of materials present in the case diary prima-facie showing that the petitioner had made somebody else to appear in his place in the examination and then on getting the result in his favour he had gone for document verification where he was doubted and then he explained in writing about the person who had appeared in his place in the examination. The petitioner is absconding in this case as warrant of arrest have been issued against him for a long time and he has moved this Court after a considerable period for over three years for anticipatory bail



which in the given facts, this Court is not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

