

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17710 of 2020**

Arising Out of PS. Case No.-113 Year-2016 Thana- NAWADA District- Nawada

VIKASH RAJ S/O Birendra Prasad R/o Village - Pawai, P.O. - Nischalganj,
P.S. - Parwalpur, Shiv Nagar, Nalanda, Habbipur, Bihar -801301.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Adv.

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 18-08-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Nawada Town P.S. Case No. 113 of 2016 registered for offence under sections 419 and 420 of the Indian Penal Code and section 3(x) of the Bihar School Examination Board Act.

As per allegation in the FIR, in the Intermediate examination of the year 2016, it is stated that in place of the petitioner herein, his brother went to appear in the examination and was caught in the examination hall by the invigilating authority. As such, the FIR was registered against the petitioner and his brother.

It is submitted by learned counsel for the petitioner that admittedly the petitioner was a bonafide student of intermediate in the year 2015 and even as per the allegation in



the FIR, the act of impersonation was being done by the petitioner's brother. The petitioner was unaware of the pendency of this case and therefore the delay in moving for bail. He is a student and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties, it transpires that for a case registered in February, 2016 the petitioner has now moved for anticipatory bail in the end of 2019. There is no explanation for the delay. As such, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application stands rejected.

However, taking into consideration the fact that the petitioner at the relevant time was a student of intermediate and the main allegation of impersonation is against his brother, it is observed that in case the petitioner surrenders within a period of eight weeks, the learned Court below shall consider his application for bail, without being prejudiced by this order of rejection, preferably on the same day.

(Partha Sarthy, J)

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