

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19818 of 2020**

Arising out of PS. Case No.-40 Year-2016 Thana- INDUSTRIAL District- Bhagalpur

Rajnish Kanaujia, aged about 29 years, Male, Son of Ram Naresh Kanaujia
Resident of Village- Bingama, P.S.- Patori, P.O.- Jalalpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 15-10-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Dinu Kumar, learned counsel for the
petitioner.

3. Though Mr. Satyadeo Singh Yadav, learned APP has
been assigned brief and his name appeared in the cause list and
link was also sent to him but when the Technical Assistant of the
Court talked to him he informed that he would not be appearing as
he has not got the brief from the Advocate General Office.

4. Accordingly, the Court has heard Mr. Jharkhandi
Upadhyay, learned APP In-charge of the Court.



5. The petitioner apprehends arrest in connection with Industrial PS Case No. 40 of 2016 dated 10.06.2016, instituted under Sections 416, 419, 420/34 of the Indian Penal Code.

6. The allegation against the petitioner is that he had written in the examination conducted by BCECE Board for the Entrance Examination of Engineering in the year 2012 for another person.

7. Learned counsel for the petitioner submitted that no offence is made out under the Sections in which the FIR has been lodged. It was further submitted that the petitioner erroneously had written such wrong roll number and he had accepted in his show cause that it was done due to mistake. It was further submitted that the FIR also has been lodged after a lapse of four years and it has not been alleged that the petitioner had acted for monetary benefit. It was further submitted that the petitioner has no criminal antecedent.

8. Learned APP submitted that from the plain reading of the FIR it is clear that the petitioner had appeared in the Engineering Entrance Examination conducted by the BCECE Board for entrance into the Engineering Course in the year 2012 and the petitioner having admitted that he had written the roll number of another candidate, clearly indicates his guilt. It was



further submitted that the roll number of the petitioner was 10340 whereas the roll number mentioned by the petitioner on his answer-sheet was D12251, which was of one Chandan Kumar. It was, thus, submitted that the petitioner having written a completely different number of another candidate does not indicate that it was a mistake, for had it been so, there could have been some difference in one or two digits of his correct roll number but a completely different roll number, that too, of another person, that is, Chandan Kumar, having been written by the petitioner on the answer-sheet, which was admitted by him, leaves no doubt that he was deliberately doing such thing. It was submitted that in such view of the matter it was a fraud on the system and would definitely constitute a criminal offence, especially when the petitioner has admitted to such act.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Vikash/-

AFR/NAFR	
U	
T	

