

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27587 of 2020**

Arising Out of PS. Case No.-130 Year-2020 Thana- KHAGARIA District- Khagaria

ANIL KUMAR RAJAK @ ARUN KUMAR RAJAK, S/o Ram Sogarth Rajak, Resident of Village-Chukati, Ward No.14, P.S.-Mansi, District-Khagaria, presently posted as Teacher at Middle School Rajajan North Mansi, District-Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned APP for the State.

The petitioner in the present case seeking pre-arrest bail in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 130 of 2020, G.R. No. 458 of 2020 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegations this petitioner and one Md. Sabir Alam were



deputed as Invigilators in Koshi College, Khagaria Examination Centre. Altogether 51 examinees were to appear from the said Centre for which 51 OMR sheet cum answer sheet were given to the Invigilators but in the said examination only 50 OMR sheets were used as one student was absent. Allegation is that after completion of examination instead of returning 50 OMR sheets the Invigilators deposited only 49 answer sheets. In the First Information Report it is alleged that regarding missing of one OMR sheet cum answer book no information was given by the Invigilators on 06.02.2020. In the first part of the F.I.R. it is alleged that on 07.02.2020 information was given by the Invigilators that one student of the given roll code and roll number had though deposited the OMR but he had taken away the original answer book with himself.

Learned counsel submits that in the nature of the allegations, it may at best be a case of negligence in allowing one of the examinees to go outside the Centre without fully checking him but in no case it may constitute an offence under Section 406 or 420/34 I.P.C. On the very next day information was given in this regard.

Learned counsel submits that the petitioner is a teacher and in the nature of the present case he deserves



privilege of anticipatory bail as he is always ready to co-operate in course of investigation and in course of trial.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the nature of accusation and the submissions noticed hereinabove, let the petitioner above-named, in the event of his arrest or surrender within a period of four weeks from today in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 130 of 2020, G.R. No. 458 of 2020, shall be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

