

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28512 of 2020**

Arising Out of PS. Case No.-407 Year-2014 Thana- BIHARSHARIF District- Nalanda

Shyam Sunder Kumar, S/o Sri Rajeshwar Yadav, Residence of Mohalla-
Patuana, P.O-Biharsharif, P.S.-Biharsharif, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 03-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed by the Stamp Reporter within
three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Bihar P.S. Case No. 407 of 2014 registered
for the offences punishable under Sections 419/420 of the
Indian Penal Code.

As per the First Information Report in the recruitment
year 2014 when the Staff Selection Commission was taking
examination for appointment of constables, four examinees
were found impersonating in place of the real candidates. In the



F.I.R., at Sl. No. 2 it is mentioned that one Yash Raj was found appearing on behalf of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and due to viral fever the petitioner was not attending the examination but he has no concern with the said person Yash Raj who was arrested from the Centre.

On the other hand, learned A.P.P. for the State submits that in this case there is specific allegation that in place of the petitioner one Yash Raj was made to appear in the examination, therefore, active involvement of the petitioner in commission of the alleged offence is apparent on the face of it. It is further submitted that as per his own statement in the petition, in this case charge-sheet no. 388 of 2014 has been filed against the petitioner on or about 10.12.2014. The petitioner is moving for anticipatory bail at this stage when the charge-sheet has already been filed six years back.

Having regard to the facts and circumstances of the case, wherein it is evident that the petitioner was the beneficiary and in his place somebody else was made to sit in the examination and then the petitioner has already been charge-sheeted about six years back but he is moving this Court at this stage for pre-arrest bail, the delay in conclusion of trial because



of non-submission of the petitioner to the jurisdiction of the Court is apparent on the face of it, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

From the impugned order it appears that the co-accused Yash Raj has surrendered and has been granted bail.

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 order of this Court.

It is made clear that the observations with regard to four weeks time mentioned above shall in no case be construed as granting any interim protection to the petitioner.

Application is dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

