

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29864 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. SHAMBHU KUMAR S/O DINANATH CHAUDHARY R/O VILLAGE-MILKIPUR, P.S.-CHANDI, DISTRICT-NALANDA.
 2. AKASH DEEP S/O SAHINDRA PASWAN R/O MOHALLA-INDRAPURA COLONY, P.S.-SADAR HAJIPUR, DISTRICT-VAISHALI.
 3. SHUBHAM KUMAR @ SHUBHAM KUMAR DEEP S/O ARUN PASWAN R/O VILLAGE-KALANDRA, P.S.-MAHDIYA, DISTRICT-ARWAL.
 4. NAVIN PASWAN S/O KAPIL DEV R/O VILLAGE-LAKSHMINAGAR, P.S.-RAMKRISHNA NAGAR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar, Adv.
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-07-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Sadar P.S. Case No.148 of 2021 registered for the offence punishable under Sections 419, 420 and 34 of the Indian Penal Code and



section 10 of the Bihar Examination Control 1981.

The prosecution case in short is that in the IBPS and CRPO examination conducted at I.D.Z. Bhagwanpur Centre, it was found that some examinees including the petitioners have changed their seats instead of sitting in the allotted seats. They were sitting in pair and were wearing identical dress and changed their seats with each other for the purpose of cheating. Thereafter, the police arrived and they were arrested.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case by the police. No incriminating article has been recovered from the conscious physical possession of the petitioners. Petitioners are bonafide candidates and they were writing their own answers in the answer sheet which was made available to them. No candidates were found doing anything illegal or bad in law. There were sitting on different seats as the examination had not commenced when they were apprehended and no cheating material has been found by the police. They had already cleared the first phase of exam and were appearing for the second phase having their own valid admit cards, so there is no motive to exchange seats in a computerized/online exam.



The petitioners have no criminal antecedent and have been languishing in custody since 21.02.2021, as such, they may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Sadar P.S. Case No.148 of 2021.

(Anjani Kumar Sharan, J)

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