

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31274 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Vikash Kumar Son of Umesh Prasad Sahni Resident of Village - Candauli,
P.S.- Ujiarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan

For the Opposite Party/s : Mr. Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

Learned counsel for the petitioner 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 petitioner seeks bail in connection with Dalsinghsarai P.S. Case No. 54 of 2021 (File No. 5133005200054) registered for the offence punishable under Sections 420, 120 (B) of the Indian Penal Code, Section 67 of the Information Technology Act, 2000 and Section 10 of the Bihar Conduct of Examination Act, 1981.

Allegation against the petitioner is that he along with other co-accused persons were indulged in forwarding or receiving



english question paper of class 10th exam, which was scheduled in second sitting, in a Whatsapp Group named as Exam Special (12th and 10th).

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that it is apparent that the petitioner was not arrested from the spot rather he has been arrested in the present case after 20 hours i.e. on 21.02.2021 only on the ground that he was member of the alleged whatsapp group, which was created by co-accused Rajiv Kumar and other two persons and the alleged question paper was forwarded by him. He further submits that in the prosecution report a vague statement was made to the effect that the question paper was forwarded by the petitioner. However, the prosecution failed to disclose that who shared the alleged question paper to the petitioner as only concerned teachers and bank staffs are authorized to access the question papers from the strong room. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 22.02.2021.

Learned APP for the State opposed the bail petition.



Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Dalsinghsarai P.S. Case No. 54 of 2021.

(Anjani Kumar Sharan, J)

GAURAV S./-

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