

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34941 of 2021

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

RAJEEV KUMAR Son of Shatrudhan Sahni Resident of Village -
Gunaibasahi, P.O. - Harpur Bhindi, P.S.- Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kishore Kumar Sinha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-09-2021 Heard learned counsel for the petitioner and the State.

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.

As per the prosecution case, petitioner 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 and was engaged in forwarding question paper to others. 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 21.02.2021. Investigation is complete. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 31274/2021.

Learned APP for the State opposed the bail petition.

Considering the facts and circumstances of the case, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Dalsinghsarai in Dalsinghsarai Police Station Case No. 54 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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