

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4251 of 2021**

Arising Out of PS Case No.-402 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Manish Kumar, aged about 23 years, Son of Ravindra Kumar, Resident of
Village- Dainikhon, PS- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 25-06-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 21.06.2021, which was allowed.

3. Heard Mr. Bipin Kumar, learned counsel for the petitioner and Mr. Pramod Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioner apprehends arrest in connection with Samastipur (Muffasil) PS Case No. 402 of 2020 dated 16.09.2020, instituted under Sections 420, 120B of the Indian Penal Code and 4, 10 and 38 of the Bihar Conduct of Examination Act, 1981.



5. The allegation against the petitioner is that his original admit card for appearing at the Bihar State Teacher Eligibility Test (STET) examination was found from co-accused Sikandar Kumar, who was caught at the gate of the examination centre.

6. Learned counsel for the petitioner submitted that at the relevant time, he had gone to attend the call of nature and had handed over his original admit card to co-accused Sikandar Kumar, but when he returned, the co-accused was not present. It was submitted that there is no complicity of the petitioner and further that he has no criminal antecedent.

7. Learned APP submitted that Sikandar Kumar was not an examinee and, thus, his presence at the examination centre itself is highly suspicious. Further, it was submitted that the petitioner not taking any steps if it was true that Sikandar Kumar was given the original admit card and was not to be found, also indicates that the petitioner was never present there and had arranged to get Sikandar Kumar appear for him at the examination. Learned counsel submitted that it is a grave issue where STET examination is a basis of employment and by the conduct of the petitioner, *bona fide* persons are excluded by committing fraud on the system and further that it would amount



to employment to a person who is totally incompetent and not able to clear the test himself.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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