

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12953 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- GANDHIMAIDAN District- Patna

MANOJ KUMAR PASWAN, S/o Rajendra Paswan R/o village- Karanchatta,
P.S.- Kuchas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-02-2022 Heard Mr. Arvind Kumar Mahuar, learned Advocate

for the petitioner and Ram Priya Sharan Singh, learned APP

for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Gandhi Maidan P. S. Case No. 245
of 2020, instituted for the offences under Sections 419 and
34 of the Indian Penal Code and Section 10 of the Conduct
of Bihar Examination Act.

In place of petitioner, somebody else was found
writing the competitive examination.

Hence, this case.

The learned Advocate for the petitioner has



submitted that Section 419 of the Indian Penal Code is bailable whereas Section 10 of the Conduct of Bihar Examination Act entails a punishment of six months.

Be that as it may, regard being had to the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, his application shall be considered by the court below taking into account that one of the Sections of the Indian Penal Code is bailable whereas the offence under the other Act entails a punishment of only six months and an order shall be passed, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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