

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19104 of 2021

Arising Out of PS. Case No.-286 Year-2017 Thana- NAANPUR District- Sitamarhi

RAKESH KUMAR YADAV SON OF SRI JAI JAI RAM YADAV R/O
VILLAGE , POST AND P.S. BISFI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Pushpendra Kumar Singh, learned
Advocate for the petitioner and learned Additional Public
Prosecutor for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Nanpur P. S. Case No. 286 of 2017 instituted for the offences under Sections 419, 420, 467 and 468 of the Indian Penal Code.

The F.I.R. has been registered on the written report of the Examination Controller, Bihar Combined Entrance Competitive Examination Board. The petitioner had applied for Diploma certificate for which he was called for counselling. At the time of counselling, it was found that the hand writing of the petitioner in the examination paper was different from the handwriting obtained at the time of counselling. It was, thus, doubted that the petitioner was actually the examinee/applicant



or that he had not actually appeared in the examination in the first instance.

Because of the dissimilarity in the two sets of hand writings, the matter was inquired into. A group of teachers were called to find out, on a general look of the specimen signature of the petitioner, whether it tallied with the hand writing on the examination paper. On their opinion being in the negative, the hand writing sample of the petitioner along with the handwriting in the examination paper were sent to the Forensic Science Laboratory where on the opinion of the hand writing expert, it was found that the two sets of hand written papers were by two different persons.

The F.I.R. further reveals that in view of the photograph of the petitioner taken at the time of examination not being clear and later his hand writing at the time of final admission being found to be different from the one which was found in the examination paper, there is no doubt that the petitioner had impersonated or had made somebody else write the examination earlier.

The admission of the petitioner was only conditional subject to the result of the FSL.

It appears that the petitioner was not given admission



in the Diploma course.

The learned counsel for the petitioner has submitted that merely because there was some difference in the two handwritings, it cannot be presumed that the petitioner had not written the earlier examination. The level of intellectual maturity of the petitioner may not be such where his hand writing would be similar in all circumstances. It is not quite unknown that persons who are not very good at studies may write differently. While a person is appearing in a competitive examination, he is normally under stress. In such a situation, slight deviation and difference in the hand writing would not lead to the inescapable conclusion that the petitioner had made somebody impersonate him. There is no dispute regarding the identity of the petitioner and there is no definite evidence of the fact that he had not appeared in the first instance in the examination.

The learned counsel for the petitioner has further submitted that the opinion of the hand writing expert is not sacrosanct and its authenticity can be established only in a full-fledged trial.

Considering the afore-noted submissions and taking into account that the petitioner could not obtain admission in the



Diploma course, he is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Pupri, Sitamarhi in connection with Nanpur P. S. Case No. 286 of 2017, subject to the condition as laid down under Section 438 (2) Cr. P.C.

The application stands allowed.

The petitioner shall participate in the investigation and if the case goes to trial, he shall be particular in attending the trial on all dates. His evading the investigation or the trial, as the case may be, would render the bail liable to be cancelled.

(Ashutosh Kumar, J)

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