

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11477 of 2022

Arising Out of PS. Case No.-684 Year-2021 Thana- DANAPUR District- Patna

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ADITYA RAJ @ ADITYA KUMAR Son of Sri Shiv Shankar Sah Resident of
Village - Mahkhar, P.s.- Simri Bakhtiyarpur, Distt.- Saharsa, Bihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and Mr.
Aditya Narayan Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Danapur P.S. Case No. 684 of 2021 registered for the offences punishable under Section 419, 420, 467, 468 of the Indian Penal Code and Section 10 of Bihar Conduct of Examination Act, 1981. He is in custody since 26.09.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that an advertisement No. 02/2020 was published to fill up the vacancy for the post of Range Officer in the Forest Department and for that a written examination was conducted on different centres on 17.01.2021, in the meantime, co-accused



Mithilesh Kumar made a forgery by affixing a photograph of another person at the time of written examination. The handwriting of this petitioner was also found different. It is alleged that on inquiry the co-accused Mithilesh Kumar confessed that the petitioner appeared in the written examination in place of him as scholar and by help of him, he cleared the written examination.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner was not arrested at the spot.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that in this case the petitioner was not arrested at the spot, the allegation is that he had appeared in the examination in place of co-accused Mithilesh Kumar and the name of the petitioner has transpired in the confessional statement of co-accused Mithilesh Kumar, the petitioner has been arrested in connection with this case on 26.09.2021 and since then is in judicial custody, the investigation against him is complete and his presence may also be secured in course of trial, therefore, this court directs release of the petitioner above named on bail on furnishing of bail bond



of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st at Danapur in connection with Danapur P.S. Case No. 684 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

