

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35502 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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UPENDRA KUMAR Son of Ramprasad Yadav Resident of village - Kushi
Tole, Bechan Bigha, P.S.- Aurangabad Muffasil, District - Aurangabad
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Senior Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s :		Mr.Pushpendra Kumar Singh, Advocate Mr.Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Aurangabad Town P.S. Case No. 272 of 2022 registered for the

offence under Sections 419, 420, 468 and 471 of the Indian

Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 07.05.2022.

The allegation against the petitioner is to cheat

examination authority by changing his “chest number” and



“photograph” during his physical examinations for the appointment of police constables.

Learned Senior counsel, Shri N.K. Agarwal, appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case on the basis of written confession. It is further submitted that allegation to exchange photograph and Aadhar card is without any basis. It is also submitted that the allegation as regard to cheating surfaced at the stage of physical examinations, after clearing written test, where no such issues were raised. It is further submitted that seizure list further creates a doubt as same is not supported by independent witnesses. It has been submitted that petitioner is a man of clean antecedent and moreover, investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the basis of allegation is the written confession of the petitioner.

Considering the facts and circumstances as mentioned above, as seizure list is not supported by independent witnesses, where allegation is based upon written confession coupled with the fact that charge-sheet has been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Aurangabad Town P.S. Case No. 272 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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