

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54159 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

RAJIV KUMAR Son of Ramayan Yadav Resident of Village - Satokhari, P.s.-
Chhabilapur, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Sinha No.1

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Learned counsel for the petitioner submits that due to
inadvertently Police Station has wrongly been typed as “MM.
P.S.Case No.190 of 2021” in place of “Magadh Medical Police
Station Case No.190 of 2021” in para-1 of the bail petition and
also due to some mistake in prayer portion also “Mahila
(Rampur)” police station was written instead of “Magadh
Medical”.

The aforesaid mistake is modified.



Petitioner seeks bail in connection with Magadh Medical Police Station Case No.190 of 2021 registered for the offences punishable under Sections 420/34 of the IPC and 67 of I.T. Act.

As per FIR, prosecution case in brief is that informant, namely, K.S. Mallik, Colonel Director Recruiting Army Rtg. Office, OTA, Gaya has given a written application stating therein that on 14.07.2021 medical examination of military recruitment was being conducted. In the meantime, petitioner was talking and chatting about the recruitment through his mobile to a person. On enquiry, it was found that he was chatting through Whatsapp with a person, namely, Dipak Tiger Ji.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It is further submitted that petitioner has committed no offence. It is wrong to say that petitioner was using mobile at the time of medical examination of military recruitment. He further submits that neither the seized mobile nor the Sim card is in the name of the petitioner. It is further submitted that it appears from the FIR itself that there is nothing to show that petitioner acted against the I.T. Act.



Petitioner is in custody since 15.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Gaya in connection with Magadh Medical P.S. Case No. 190/21, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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