

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54517 of 2022

Arising Out of PS. Case No.-792 Year-2022 Thana- DANAPUR District- Patna

MANISH KUMAR Son of Dharmendra Prasad Resident of Village -
Lohanipur Near Langra School, P.s.- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Danapur P.S. Case No. 792 of 2022 under Sections 419, 420 and
34 of the Indian Penal Code and Section 10 of the Bihar
Conduct of Examination Act, 1981.

The informant has alleged in the FIR that the
petitioner was appearing in the Combind Graduate Level
Examination Skill Test for one Rohit Singh and as the
photograph of Rohit Singh did not match with this petitioner, he
was interrogated and was taken into custody and in that way, the



FIR was lodged.

Learned counsel for the petitioner submits that the manner the FIR was lodged, it does not show that he was arrested from Sky Moon I.T. Point Pvt. Ltd and it is his categorical statement that he do not have any criminal antecedent which he has also stated in paragraph-3 of the bail application but just to make the FIR graver, it has been stated that he was earlier caught with the similar allegation.

Taking into account the aforesaid statement of the learned counsel for the petitioner as also that he has remained in custody since 06.08.2022 (as stated in paragraph-22 of the bail application) and as per his statement in paragraph-3 of the bail application, he do not have any criminal antecedent, this Court is inclined to grant him privilege of bail.

If however, it is found that incorrect statement has been made in paragraph-3, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Danapur in connection with Danapur P.S. Case No. 792 of 2022, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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