

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54845 of 2022

Arising Out of PS. Case No.-533 Year-2020 Thana- DANAPUR District- Patna

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Pramod Kumar, Son of Ramanuj Prasad, Resident of Village - Sorangpur, P.S.-
Dulhin Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Ashok Kumar Sinha, learned counsel
appearing on behalf of the petitioner and learned APP for the
State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Danapur P.S. Case No. 533 of 2020 registered
for the offences punishable under Sections 419, 420/34 of the
Indian Penal Code and Sections 9 and 10 of the Bihar
Examination Conduct Rule, 1981.

The prosecution case is based on a written report
alleging therein, that on 16.09.2020, while the informant was
working as an examiner on behalf of the Venue Head TCS
Company at Education Zone Online Exam Center, Saguna
More, Khagaul Road. He has found that in place of this



petitioner, one Bikram Kumar, son of Ravindra Prasad, was sitting in the examination and at the time of verification of photograph, he accepted his guilt and thereafter, he was apprehended and handed over to the police.

Learned counsel appearing on behalf of the petitioner submits that in fact the petitioner has never allowed any other person to appear in his place, however, the person, who had appeared in place of the petitioner, has been allowed bail by the Court below, itself. He further submits that on the alleged date of occurrence, the petitioner was infected from Covid-19 and was in self-quarantine and, in the meantime, on the persuasion of some person, the co-accused, Bikram Kumar, appeared in examination, without any consent of the petitioner and, as such, he cannot be made responsible for the occurrence. He next submits that the petitioner is a man of fair antecedent and he himself surrendered before the Court below on 22.07.2022 and since then he is in custody.

On the other hand, learned APP for the State opposes the bail application and submits that it is a case of impersonation and in place of the petitioner, some another person was appearing in the examination, who was apprehended at spot.



Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Danapur, Patna in connection with Danapur P.S. Case No. 533 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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