

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3587 of 2023

Arising Out of PS. Case No.-204 Year-2021 Thana- BANKA District- Banka

Aryan Kumar Son Of Shivan Sah R/O Village- Lohchi, P.S.- Haweli
Kharagpur, District- Munger-811211

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Banka P.S. Case No. 204 of 2021 registered for the offences punishable under Sections 353, 427, 34 of the Indian Penal Code and 4/6/10 of Bihar Conduct of Examination Act, 1981. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, allegation against the petitioner is that on 21.03.2021 the examination for selection on the post of Bihar Police Constable was conducted in the college and during examination some of the candidates thrown the question and answer books and when the informant tried to persuade the alleged candidates they abused and assaulted him.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case. Learned counsel submits that there is no specific allegation of overt act against the petitioner.

In paragraph '10' of the petitioner, it is stated that the named accused persons who was arrested on the spot were granted bail by the learned court below on 26.03.2021.

Learned counsel further submits that co-accused Rohit Kumar Thakur has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 38808/2022.

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

Having regard to the facts and circumstances of the case and the submission that the case of the petitioner stands on similar footing with the co-accused Rohit Kumar Thakur who has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 38808/2022, the petitioner has otherwise no criminal antecedent, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each



to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 204 of 2021, subject to the conditions as laid down under Section 438 (2) of the 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)

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