

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5742 of 2023

Arising Out of PS. Case No.-513 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

AARATI KUMARI @ AARATI YADAV D/O RAJKET PRASAD RAI
Resident of village- Rajapakar, West Tola, P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending her arrest in a case registered for the offence punishable under Sections 188 and 420 of the Indian Penal Code and $\frac{3}{4}$ of the Bihar Examination Act and Section 60 of the I.T. Act pending in the learned court below.

Prosecution case in brief is that on the alleged date of occurrence the accused Revati Yadav was found committing unfair means in the examination Hall of Deochand College, Hajipur by android mobile bearing no. 7654674340. It is further alleged that accused Revati Yadav sent the photo of all the pages of question paper through whatsapp on the mobile no.7562870513 of the accuse petitioner Arti Kumari, who in term sent the answer of the question to Revati Yadav by her mobile phone.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that only on suspicion the petitioner has been



made accused in the present case. He submits that there is nothing recovered from the conscious possession of the petitioner. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, she does not deserve anticipatory bail.

Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Hajipur (sadar) P.S. Case No. 513 of 2022. Accordingly, her prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that the main accused Revati Yadav was granted regular bail by the learned Court below itself.

(Anjani Kumar Sharan, J)

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