

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8522 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- KARJA District- Muzaffarpur

Mukul Kumar Son Of Tejendra Singh R/O Village - Akhtiyarpur, P.S.- Karja,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Shanu Mr.Amit Narayan Ms. Sonali Kishore
For the Opposite Party/s :		Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The petitioner has filed the instant application for grant of regular bail in connection with Karja P.S. Case No. 343 of 2022 registered under sections 420, 120(B) and 34 of the Indian Penal Code and Section 66(D) of Information and Technology Act.

The prosecution case in short, is that, during examination for recruitment in the Indian Coast Guard, in second shift, a candidate, namely, Pankaj Kumar Yadav was caught in examination center by supervisor for breaking the rules of protocols by using Bluetooth device for cheating. On interrogation, he disclosed the names of four other accused



persons, who are employees of Smart Solutions Center.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He is not acquaintance with the entire episode. The responsibility of checking the candidates lies with the Authorized Training Center and therefore, petitioner cannot be made liable for carrying the electronic device by the candidates into examination center. It is further submitted that the petitioner had no access to the examination room and no incriminating material has been recovered from his conscious possession. It is also submitted from para-9 of this petition that it is highly improbable that an examinee would break the window and throw the computer screen which was taken by someone on the road, as if anyone was waiting there in the expectation that one computer would be thrown and the same would be taken away. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 23.11.2022. Similarly situated other co-accused persons have already been granted bail by this Court vide order dated 19.01.2023. in Cr. Misc. No. 4552 of 2023.

The application for bail is opposed by learned APP for



the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Karja P.S. Case No. 343 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, Muzaffarpur West, District-Muzaffarpur.

(Sunil Kumar Panwar, J)

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