

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17454 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- PATLIPUTRA District- Patna

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ABHISHEK KUMAR SON OF SRI OM PRAKASH R/O VILLAGE-
MOHADDINAGAR ROAD, MOHADDINAGAR NEAR KALI MANDIR
QUTUBGANJ, P.S.- MIRJA HATT, JAGDISHPUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Patliputra P.S. Case No. 346 of 2022 for the offence
registered under sections 419 and 420 of the Indian Penal Code
lodged on 15.06.2022 by the informant, Sujeet Kumar.

The prosecution story, in brief, as follows:-

The informant is a resident of village-ION Digital
Zone near at P&M Mall, Patliputra Patna and on 15.06.2022, the
examination of NTPC-CP-2 examination was going to be held
at ION digital Zone -2, Road No.3, Patliputra Industrial Area



and he was appointed as the Superintendent of the Center from TCS Patna and in 2nd sitting at about 11.00 AM, the candidate Abhishek Kumar bearing Roll No.- 221194220814906 of village Mohaddinagar was going to enter from the main gate and on suspicion, the interrogation was made. He disclosed his name as Rishikesh Kumar of village- Gopalpur Bhagalpur and accepted that he was going to appear in place of his friend.

However, as there was difference in the admit card, he was caught during the check. Thereafter, the matter was intimated to Police Station who took Rishikesh Kumar with them. Accordingly, he requested legal action against Abhishek Kumar and Rishikesh Kumar.

Learned counsel for the petitioner submits that an impostor was appearing on his behalf which resulted in the FIR. He had no role to play and had not requested anyone to appear on his behalf.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account that the petitioner is an unemployed man, allegation against him is that he provided his admit card to his friend who was appearing and was caught/arrested, FIR lodged, will have to ultimately face the



trial, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. X, Patna in connection with Patliputra P.S. Case No. 346 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *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 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 the 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 anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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