

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14181 of 2023

Arising Out of PS. Case No.-976 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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ASHISH KUMAR SON OF DHHRUVDEO KUMAR NIRALA R/O
VILLAGE- BERAIN CHORGAON, P.S.- ASARGANJ, DISTRICT-
MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.12.2022 in connection with Town P.S. Case No. 976/2022,
F.I.R. dated 23.12.2022, for the offences punishable under
Sections 419, 420, 188, 120(B) of the Indian Penal Code.

According to prosecution case, the petitioner was
found in possession of a self made wireless set and a micro
phone with an intention to leak the question paper of the
Examination of SSC, 2022.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of suspicion.



He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the campus of the college in question and the petitioner has no concern with the alleged recovery of electronic item, which was mentioned in the seizure list. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari in connection with Town P.S. Case No.976/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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