

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22079 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Vijay Kumar Son of Ashok Kumar Mukhiya Resident of Ward No.- 4, Shri
Krishna Puri Near B.S.S. College, P.S.- Supaul (Adarsh), District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Nath Verma, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate
		Mrs. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-07-2023 Heard Mr. Amarendra Nath Verma, learned counsel
for the petitioner, Mr. V.N.P. Sinha, learned senior counsel
appearing on behalf of the EOU, assisted by Mrs. Soni
Shrivastava, learned counsel and learned Additional Public
Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
26.12.2022 in connection with Economic Offence (Patna) P.S.
Case No. 40 of 2022, F.I.R. dated 24.12.2022 for the offences
punishable under Sections 420, 467, 468, 469, 120B/34 of the
Indian Penal Code, Section 66 of I.T. Act and Section 10 of the



Bihar School Examination Act.

According to prosecution case, under a conspiracy, the examinee Ajay Kumar in connivance with others, had stealthily made pages of the Answer-sheet no. 5092573 viral on social media wherein the role of the invigilator-teacher Sachindra Nath Jyoti appeared suspicious.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused person, namely, Ajay Kumar who is brother of the petitioner. He further submits that as per the allegation, the petitioner is alleged to have passed question answer sheet from co-accused Ajay's mobile to Raushan's mobile. He further submits that the mobile phone of the co-accused has been seized by the prosecution and no electronic evidence of sending the alleged question paper from others to the petitioner's mobile or from it to others is available. Thereafter, the prosecution after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.12.2022.



Learned counsel appearing on behalf of the EOU has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was also involved along with his brother in the present occurrence but fairly submits that no electronic evidence was available.

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 Additional Chief Judicial Magistrate I, Patna in connection with Economic Offence (Patna) P.S. Case No. 40 of 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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