

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22948 of 2023

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

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Manish Kumar Shah Son Of Ashok Sah Resident Of Village- Chakla Nirmalli
Ward No. 7, Ps- Supaul, Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Jha, 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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard Mr. Arun Kumar Jha, 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
29.12.2022 in connection with Economics 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 no direct or positive evidence has come during investigation against the petitioner and even the police has recorded the confessional statement of 5 accused persons, namely, Ajay Kumar, Kailash Kumar, Vijay Kumar, Rakesh Roshan and Ravi Raj but no any aforesaid accused have stated the name of the petitioner. He further submits that as per the seizure list, two mobile phones and one laptop have been recovered from the possession of the petitioner but the same belongs to the petitioner. He further submits that the petitioner is a Government Employee as Revenue staff posted in Nawada and he has no concern with the alleged occurrence.

Learned counsel for the petitioner submits that the petitioner is not a student or candidate of the said examination in question and he was not present at the examination center nor



has anything been recovered from the seized mobile of the petitioner. The prosecution after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.12.2022.

Learned counsel appearing on behalf of the EOU as well as learned Additional Public Prosecutor for the State have 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 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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