

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29696 of 2022

Arising Out of PS. Case No.-167 Year-2019 Thana- TATARPUR District- Bhagalpur

Upendra Narayan Roy @ Dr. U.N. Roy, aged about 60 years, Male, Son of
Late Kashi Roy, R/O- Domaniya Tola P.S.- Basudevpur District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Tatarpur
(University) P.S. Case No. 167/2019 dated 08.07.2019, registered for
the offence punishable under Section 409 and 420 of the Indian Penal
Code and section 10 of the Bihar Examination conduct Act, 1981.

Learned counsel for the petitioner submits that there is an
allegation that examination paper of the commerce graduate
examination has been leaked and the petitioner was in-charge
controller of examination. It is submitted by the learned counsel for
the petitioner that the principal has expressed that due to a mistake on
her part, one question paper had remained out of the packet, and
therefore, the leak has taken place. The said principal has been
allowed anticipatory bail in Cr. Misc. no. 59865 of 2019. The
petitioner, however, has been in custody and is behind the bars since
26.02.2022, without any fault and having clean antecedent.

Learned APP for the State has appeared and has opposed the
prayer for bail. He however, is not in a position to deny that bail has
been granted to the Principal.



Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 A.C.J.M. VII, Bhagalpur, in connection with Tatarpur (University) P.S. Case No. 167 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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