

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47975 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- AIRPORT District- Patna

1. Md Farogh Hasan Son of Adil Hassain Resident of Village - Barhath, Ward No.1, P.s.- Palasi, Distt.- Araria.
2. Shabnam Parveen D/o Abdul Muttalib Resident of Village - C/o Md. Quaiyum Ansari, Leather Merchant, Sarai More, Babumia Road, Distt.- Siwan.
3. Md. Shamse Azam Son of Md. Mojibur Rahman Resident of Village - Kharthua, P.O.- Bijuli, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Ms. Alka Verma, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP who represents the State through video conferencing in view of the Covid-19.

The petitioners are apprehending arrest in connection with Hawaii Adda P.S. Case No. 118 of 2022 instituted under Sections 419, 420 of the Indian Penal Code.

The allegation in the FIR is that the petitioners appeared in the written examination conducted by the Bihar Staff Selection Commission and thereafter during the counselling, it was found that the thumb impression given



during the examination was not matching with that taken at the time of counselling. Accordingly, the present FIR was lodged.

Learned counsel for the petitioners submit that they indeed appeared in the written examination which was video graphed and could have been checked accordingly. So far as the non-matching of the thumb impression is/are concerned, the bio-metric system may be faulty for which the petitioners cannot be held guilty and this is actually a way to deny them employment. The last submission is that none of them have having criminal antecedent.

Learned APP on the other hand submits that in view of the fact that the thumb impression of the petitioner did not match, they do not deserve bail.

Taking into account the aforesaid fact that the petitioners were examinees, they do not have criminal antecedent, according to them, the entire examination was video graphed and can be checked, all of them are ready to cooperate in the investigation as and when they are required by the police, this Court does not find it fit to deny them the relief, as prayed for.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Hawaii Adda P.S. Case No. 118 of 2022 to the satisfaction of learned Sessions Judge, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Nothing recorded in the present order can be taken up in the trial as the same has been observed only for the purpose of grant of relief/anticipatory bail.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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