

Arising Out of PS. Case No.-437 Year-2023 Thana- RUPASPUR District- Patna

Arising Out of PS. Case No.-437 Year-2023 Thana- RUPASPUR District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Senior Advocate

Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Rupaspur P.S. Case No. 437 of 2023 registered for the offence under Sections 419 and 420 of the Indian Penal Code and Section 10 of Bihar Conduct of Examination Act, 1981.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.06.2023.

4. The allegation against the petitioner is of misappropriation in Multitasking Staff (MTS) Examination – 2023, where, petitioner appeared in said examination, in place of his brother, Ritesh Kumar Singh, Role No.3206267642.

5. Learned senior counsel appearing on behalf



of the petitioner submitted that present act of petitioner covered under Bihar Conduct of Examination Act, where, Section 3 to 9 of the said act, covered such cases, having maximum punishment of 06 months or fine of Rs. 2,000/-. It is submitted that the narration of FIR is not suggesting anything on its face, which may established a *prima facie* case for cheating. Learned senior counsel further submitted that when there is special law as submitted aforesaid, is in vogue, the general provisions would not be applicable thereof. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the nature of allegation coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 13.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Rupaspur P.S. Case No. 437 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Danapur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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