

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56131 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- PIRBAHOR District- Patna

Sanjay Prabhat @ Barun Kumar S/o- Late Dilip Kumar Resident of Sahebpur
Kamal, Ward No.- 8, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-03-2023 Heard learned counsel for the petitioner 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 in a case registered for the
offences punishable under Sections 420 and 468 of the Indian
Penal Code.

According to prosecution case, during the time of
examination the petitioner is in suspicious condition and on
search several incriminating articles were found from the bag of
the petitioner.

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 has committed no offence as alleged in the F.I.R. He further submits that the petitioner is the student of final year of M.B.B.S. course. He further submits that the mobile phone which was seized from the possession of the petitioner belongs to the brother of the petitioner. He further submits that it has come during investigation that the original question paper was generated from the mobile number of the co-accused person, namely, Mukesh Kumar. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mukesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.02.2023 passed in Cr. Misc. No. 56344 of 2022. He further submits that the case of the petitioner is on similar footing of the case of the co-accused, Mukesh Kumar. The petitioner is in custody since 11.06.2022.

The learned Additional Public Prosecutor has 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 Court below where the case is pending in connection with Pirbahore



P.S. Case No. 317 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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