

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59136 of 2022

Arising Out of PS. Case No.-43 Year-2020 Thana- SOHSARAI District- Nalanda

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MOHIT KUMAR S/o Mithilesh Kumar R/V- Ramsang dihora, P.S.- Haranaut,
Distt- Nalanda. But in FIR Village Mosimpur P.S.- Chandi has wrongly been
mentioned.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar,Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Sohasarai P.S. Case No. 43 of 2020 for the offence
registered under Sections 419 and 420 of the Indian Penal Code
and under Section 10 of Bihar Control of Examination Act.

As per the prosecution story, it was found that this
petitioner in his place has put one Rajnish Kumar to appear in
matric examination at P.L. Sahu High School, Sohasaraion and
accordingly, the FIR was lodged.

Learned counsel for the petitioner, at the outset,
submits that he is a young boy of 19 years, no criminal
antecedent and as such, need sympathetic consideration.



Learned APP for the State although opposes the prayer concedes that he is a young boy and as such, can be given a chance.

Considering the aforesaid facts as also that petitioner is 19 years old boy should be given a chance to reform himself and putting him in jail with hardened criminals will ruin his future, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of two weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., IV, Nalanda at Biharsharif in connection with Sohasarai P.S. Case No. 43 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her



bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(v) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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