

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59632 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- KISHANPUR District- Supaul

Pradeep Kumar @ Pardip Kumar @ Pradip Kumar S/O Pawan Yadav R/O
Village- Dharhara, Ward No. 11, Ps. Raghapur, Dist. Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Kishanpur P.S. Case No. 35 of 2023 instituted under under Sections 419, 420 and 34 of the Indian Penal Code and Section 10 of Bihar Conduct of Examination Act, 1981 lodged on 21.2.2023 by the informant, Dr. Rajiv Kumar.

3. As per the prosecution story, the Centre Superintendent of High School, Kishanpur lodged a written report to the SHO, Kishanpur regarding appearance of a person namely Nitish Kumar in place of the petitioner at the examination in both sittings on 21.2.2023. The said Nitish Kumar has accepted that he has been paid a sum of Rs. 400/- for appearing in the examination on behalf of the petitioner.

4. Learned counsel for the petitioner submits that a



case having been lodged, his future already bleak, he has suffered and will be diligently appearing in the subsequent proceeding.

5. Learned APP though opposes the prayer concedes that he is a young boy of 20 years.

6. Taking into account the fact that he is a young boy, do not have criminal antecedent and will ultimately have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Kishanpur P.S. Case No. 35 of 2023, G.R. No. 354 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Supaul or his successor subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) 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;

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

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

