

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64997 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Nitesh Kumar Tiwari Son of Triloki Nath Tiwari Resident of Village -
Chadrahiya, Ward No.- 12, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Motihari Town P.S. Case No. 280 of 2022 for the offence under Sections 419, 420, 120(B), 467, 468, 471 and 34 of the I.P.C. pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari lodged on 18.04.2022 by the informant Sheela Samadeshta.

The prosecution story reads as follows;

(i) it is alleged that the petitioner herein applied in Home Guard Office against Advertisement No. 2 of 2011. In the original application, the educational certificate no. 4 of 2007 the education qualification was 9th issued by Sri Ganga Sarjug Kundal Das Ucch Vidyalaya, Jaga Pakar, District - East



Champaran dated 27.02.2007;

(ii) further allegation is that on 18.04.2022, during course of physical examination, the photo affixed on admit card is not tally with the photo affixed on main application and the photo on Aadhar Card also differed with the photo on main application and the date of birth mentioned in the original application is 26.08.1991 whereas on the Adhar card, the date of birth was 05.01.1994;

(iii) further allegation is that as per the information, the person, who appeared in the examination was Divyam Kumar Tiwari, the brother of the petitioner, appeared in the physical examination after manipulating entire document. On the basis of application of Team In charge, Sri Ashutosh Kumar, Block Agriculture Officer, Piprakothi and Executive Assistant, Ravi Kumar, Bihar Home Guard Office, the informant requested to lodge a case against the Divyam Kumar Tiwari and Nitesh Kumar Tiwari (the petitioner).

It has been contended by the learned counsel for the petitioner that he had applied in 2011 (a decade ago) and as there was no information forthcoming, subsequently he dedicated himself to the agriculture side and it never came to his knowledge that any admit card was issued and the same was



taken by his brother and appeared in his place.

It has been submitted by him that his brother has already suffered by being arrested there.

Learned APP opposes the prayer for bail.

Considering the fact that petitioner do no have criminal antecedent, it was his brother who appeared with the admit card and ultimately he will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 280 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Kiran-

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