

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70583 of 2022**

Arising Out of PS. Case No.-304 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Vivek Kumar S/O Late Jaywant Singh R/V- Bharwara, P.S.- Singhwara,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Rina Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 28-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

The accused/petitioner is named in the F.I.R. and
apprehended his arrest in connection with Muffassil (Singhaul)
P.S. Case No.304 of 2022 registered for the offences punishable
under Sections 420, 467 and 468/34 of the Indian Penal Code
and Section 10 of the Bihar Control Examination Act, 1981.

The allegation against the petitioner is to allow co-
accused Mousam Kumar in his place while appearing for
Semester Examination 2022 of Polytechnic on 06.06.2022.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was at PGI, Lucknow on the date of



examination in connection of his treatment for which details available as per annexure 2 of the present bail petition. It is also submitted that petitioner himself is victim of circumstances and he is not in a position to explain that how co-accused Mousam Kumar having different roll number appeared in his place. It is submitted that admittedly as per F.I.R. roll number of Mousam Kumar is different therefore it is natural implication that petitioner may not get any benefit out of his appearance in the said examination. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

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

In view of the facts and circumstances as mentioned above as roll number of petitioner is admittedly different with roll number of co-accused alleged to personate petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks, be released on bail, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Begusarai/concerned Court below where the case is pending in connection with Muffassil (Singhaul) P.S.



Case No.304 of 2022 subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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