

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67473 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- BANKA District- Banka

Aditya Kumar Son of Mithilesh Kumar Resident of Mohalla- Lal Darwaza
(Near Power Hose) P.S- Kotwali, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. through his
roll no. 4141030403 and apprehending his arrest in connection
with Banka P.S. Case No. 204 of 2021 corresponding to
204/2021 registered for the offences punishable under Sections
353, 427/34 of the Indian Penal Code (in short 'I.P.C.') and
Sections 4, 6 and 10 of Bihar Conduct of Examination Act 1981.

The allegation against this petitioner is to create a
ruckus and torn O.M.R. sheets and also to leave examination
in-between along with other co-accused/students/candidates,



while sitting in written examination for recruitment of Bihar Police Constable at MAY Inter College, Dhakamore, Distt-Banka.

Learned counsel appearing on behalf of the petitioner submitted that the allegation against petitioner is to run away after developing a ruckus by other examinees along with O.M.R. sheets and question paper from examination hall/centre. It is submitted that the fact of allegation is not sufficient to attract the allegation to deter the public servants, while discharging their official duty. It is also pointed out that similarly situated co-accused, namely, Nayanjeet Singh and Rohit Kumar Thakur have been granted bail by learned co-ordinate Bench of this Court through Cr. Misc. No. 74484 of 2022 vide order dated 06.04.2023 and Cr. Misc. No. 38808 of 2022 vide order dated 06.12.2022, respectively. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances as similarly situated co-accused persons have already granted anticipatory bail by different learned co-ordinate Bench of this Court, the above named petitioner, in the event of his arrest or



surrender within a period of four weeks, is also directed to be released on bail 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 Chief Judicial Magistrate, Banka/concerned Court, where the case is pending in connection with Banka P.S. Case No. 204 of 2021 corresponding to G.R. No. 204/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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