

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73785 of 2023

Arising Out of PS. Case No.-147 Year-2018 Thana- BARBIGHA District- Sheikhpura

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Simpi Kumari D/O Nandu Prasad Resident Of Village- Chhabila Thika, P.S.-
Barbigaha, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Amit Anand, learned counsel for the

petitioner as well as Mr. Arun Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Barbigha P.S. Case No.147 of 2018, F.I.R.
dated 16.05.2018 registered for the offence punishable under
Sections 419, 420 and 34 of the Indian Penal Code and 10 Bihar
School Examination Act, 1981.

3. The prosecution case, in short, is that on
16.05.2018, the Annual Examination-2018 of class XI was
being conducted at S.K.R. College, Barbigha. In the
examination, two persons were caught giving the examination in
place of the other. Rajiv Kumar S/o Sri Nandu Prasad appeared
in place of Simpi Kumari and Kavindra Kumar, S/o Sri Hajari
Paswan was appeared in place of Awadhesh Kumar. As such



they have committed fraud. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. She has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and as per the allegation alleged in the FIR, Rajeev Kumar son of Sri Nandu Prasad had appeared in place of the petitioner in the Annual Examination, 2013 of Class-XI. Further submits that when the petitioner had received the notice from the learned court below then she had aware of the present case and she has no concern at all with the alleged occurrence.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S. Case No.147 of 2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, her bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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