

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76110 of 2023

Arising Out of PS. Case No.-684 Year-2019 Thana- SUPAUL District- Supaul

Raj Kumar S/O Basudev Yadav R/O Village- Mahesua, Ward No.-10, P.S-
Triveniganj, Distt.- Supaul, Bihar- 852139.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Kuldeep Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Supaul P.S. Case No. 684 of 2019 registered for the offences punishable under Sections 419 and 420/34 of the Indian Penal Code and Section 10 of the Bihar Conduct of Examination Act, 1981.

3. The allegation against the petitioner is of impersonation and allowing one Mukesh Kumar to appear in the physical examination of Home Guard on his place, who was caught red handed.

4. Learned counsel for the petitioner submits that neither the petitioner has ever instructed the co-accused Mukesh Kumar nor anyone to appear on his behalf in the physical



examination of Home Guard. On the alleged date of occurrence, the petitioner was suffering from fever due to which he did not even appear in the said examination. The police during the course of investigation having taken all the aforesaid facts, has extended the benefit of Section 41A CrPC to the petitioner. Moreover, the petitioner is a student having fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the complicity of the petitioner cannot be denied as the co-accused had appeared in the physical examination of Home Guard in place of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a student having fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-5th, Supaul in connection with Supaul P.S. Case No. 684 of 2019, subject to the condition as



laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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