

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9358 of 2024

Arising Out of PS. Case No.-829 Year-2023 Thana- AMARPUR District- Banka

Kammando Kumar, Male, aged about 33 years, Son of Dwarika Prasad Mandal, Resident of Bakiya Diyara, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Amarpur P.S. Case No. 829 of 2023 instituted for the offences punishable under Sections 419, 420/34 of the Indian Penal Code and Section 10 of the Bihar Conduct of Examination Act, 1981.

3. As per the prosecution case, that the BPSC Teacher Recruitment Appointment 2023 exam held on 09.12.2023 and petitioner was caught who was giving examination in place of one Piyush Kumar. It is also stated that cash of Rs. 40,000/- has also been recovered from the conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has



falsely been implicated in this case. It is further submitted that the allegation brought against the petitioner is false and concocted. Learned counsel for the petitioner further submits that chargesheet has already been submitted in this case. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 10.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-I, Banka dated 06.01.2024, it appears that petitioner is named in the FIR. Investigation has already been concluded and chargesheet has already been submitted in this case. Petitioner was attending BPSC Tre-2 exam on behalf of one Piyush Kumar, so it is case of false presentation and he deserve bail, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 829 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioner shall be released on bail on above conditions and further the petitioner shall be present before the trial Court till conclusion of proceeding of trial.

(Ramesh Chand Malviya, J)

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