

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13879 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Mukesh Kumar Son of Babulal Ray Resident of Village- Ward No.01
Shivnathpur, P.S.- Singhia, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bibhutipur P.S. Case No. 387 of 2023 for the offence under sections 419, 420, 467, 468, 471, 120(B) and 34 of the I.P.C. lodged on 30.09.2023 by the informant, Sandeep Kumar Pal.

3. As per the prosecution story, the informant alleged that upon secret information that Santosh Kumar @ Guddu and his associates are visiting Mathematics Point Coaching Centre and the reason being for taking contract for manipulating in the Staff Selection Commission Exam, raided the place and arrested Santosh Kumar. Upon search, electronic equipments, mobiles and admit cards of constable employment were recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that his



name has cropped up on the confessional statement of Santosh Kumar, nothing incriminating has been recovered from his possession, he being the owner of the Mathematics Point Coaching Centre, the students keep on coming and going and only because the arrest took place from his centre, that cannot be a basis to implicate him. Further submission is that he will be diligently co-operating in the investigation and appearing in trial.

5. Learned APP opposes the prayer stating that the main accused was present in the centre from where he was arrested.

6. Taking into account the submissions put forward by the parties as also the fact that he owns the Mathematics Point Coaching Centre, his name has come in the confessional statement of main accused, nothing incriminating has been recovered either from him or his centre, do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the



satisfaction of learned Sub-Divisional Magistrate, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No. 387 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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