

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20471 of 2024

Arising Out of PS. Case No.-457 Year-2023 Thana- KOTWALI District- Munger

Rahul Kumar son of Raj Kishore Yadav Village- Purabsarai Brahamasthan Ps-
Kotwali, (wrongly mentioned Ps- Tarapur) Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Indu Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and Mr.
Bharat Bhushan, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Kotwali P.S. Case No. 457 of 2023 instituted under Sections 467, 468, 471 and 420 of the Indian Penal Code lodged on 01.10.2023 by the informant, Nisha Kumari.

3. As per the prosecution story, the informant alleged that while competitive exam, one Giriraj Kumar was apprehended as he was using electronic device (bluetooth) for his help. He made confessional statement in which the name of the petitioner cropped up. The allegation against him is that he used to set the examination after taking Rs. 4 lakh.

4. Learned counsel for the petitioner submits neither he was present at the examination center nor there is case that he



was helping Giriraj Kumar. It is his submission that under the police custody, a forged confession against him has no meaning as only because he has criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Considering the aforesaid fact that it was Giriraj Kumar who was appearing in the examination alongwith bluetooth, the other accused persons were outside the examination center to help him, the allegation even in the confessional statement is that he had given assurance of setting the exam, helping him on the date of examination is not there, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Kotwali P.S. Case No. 457 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Munger subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(v) 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;

(vi) 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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