

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19087 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- RAJNAGAR District- Madhubani

Mithilesh son of Jaynarayan Yadav Resident of Village- Basopatti, P.S.
Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Shailendra Kumar Jha, learned counsel
for the petitioner and Mr. Md. Aslam Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rajnagar P.S. Case No. 29 of 2023, F.I.R. dated 08.02.2023 for the offences punishable under Sections 188, 419, 420 and 34 of the Indian Penal Code and Section 10 of Bihar Conduct of Examination Act, 1981.

3. According to prosecution case, one Prakash Kumar appeared in place of the petitioner as a fake examinee.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is that one Prakash Kumar has



appeared in place of the petitioner and the said Prakash Kumar had himself disclosed that he was sitting in the examination in place of petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R and there is no evidence on record which suggests that the petitioner has requested Prakash Kumar to appear in examination in place of him.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st Madhubani in connection with Rajnagar P.S. Case No. 29 of 2023, 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, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of 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 antecedent, the court below shall take step for cancellation of 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)

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