

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19928 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- KHAGARIA District- Khagaria

Shrawan Kumar @ Sharvan Kumar S/O Bidur Singh Resident of vill.-
Pansalba, P.S.-Beldour, Distt.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Khagaria P.S. Case No. 118 of 2023 for the offence under Section 419 of the I.P.C. read with Section 10 of the Bihar Examination Act, 1981 lodged on 06.02.2023 by the informant, Soni Kumari (Centre Superintendent).

3. As per the prosecution story, the Centre Superintendent alleged that an impostor was appearing in the Biology subject examination in place of the petitioner and he was caught, followed by the FIR.

4. Learned counsel for the petitioner submits that he being unwell, did not appeared in the examination, how and under what circumstance, the person apprehended appeared on his behalf is not known to him. He is a meritorious student and



pursuing and appearing in different examinations and will also diligently appear in the trial.

5. Learned APP opposes the prayer stating that on his behalf, an impostor was appearing in the examination.

6. Having gone through the submission of the learned counsel for the petitioner, the State as also the fact that he do not has criminal antecedent, FIR lodged, will be facing the trial and putting such person in jail will serve no purpose, 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 CJM, Khagaria in connection with Khagaria P.S. Case No. 118 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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