

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30053 of 2024

Arising Out of PS. Case No.-136 Year-2002 Thana- PIRBAHOR District- Patna

Deepak Kumar Son Of Basudeo Paswan Resident Of Village - Rupaspur, P.S.
- Bangpur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Pirbahore P.S. Case No. 136 of 2022 dated 08.05.2002,
instituted for the offence punishable under Sections 419 and 420
of the Indian Penal Code and 3/10 of the Exam Act.

3. The prosecution case, in short, is that co-accused
Manoj Kumar was appearing in B.P.S.C. Third Grade
Examination, 1998 in place of the present petitioner. Hence, the
present F.I.R. was registered against the said Manoj Kumar and
the present petitioner and others.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that the said co-accused Manoj Kumar, who
was apprehended at the time of examination was released on
bail by the police, who confessed the name of the petitioner.



Only on the basis of confessional statement of co-accused, the petitioner has been made accused in this case. It is submitted that the F.I.R. has been lodged on 15.05.2022 and yet the investigation is going on. Till date no notice or any information has been served to the petitioner about the prosecution in question. In the second week of December, 2023, the petitioner got knowledge about the case and he moved before the learned Sessions Judge for anticipatory bail which was rejected. It is submitted that Section 3 of the Bihar Conduct of Examination Act, 1981, refers to unfair means in the examination and Section 10 of the said Act is about penalty of the offence committed under Section 3 of the Act. As per Section 10 of the Bihar Conduct of Examination Act, 1981, for the offence committed under Section 3 of the Act, the maximum sentence is for six months or fine of Rs. 2,000/-. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Pirbahore P.S. Case No. 136 of 2002, he shall be released



on anticipatory bail upon furnishing bail bonds of Rs. 10,000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of the learned C.J.M., Patna, subject to condition as
laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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