

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37584 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- MITHANPURA District- Muzaffarpur

1. Prabhat Kumar Son of Jay Lal Prasad Resident of Village- Chainpur, P.S.- Sahebganj, Distt.- Muzaffarpur
2. Prabhat Kumar Son of Sukhari Thakur R/O Vill.-Bhimlapur, P.S.- Bochahan, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-08-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State, Shri Rabindra Kumar.

2. The petitioners apprehend their arrest in connection with Mithanpura PS Case No. 219 of 2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The defects as pointed out by the office are ignored.

4. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that petitioners were engaged by the Education Department as Secrecy persons for inter/matric examination, the



petitioners were also entrusted with the work of pasting bar code on flying slip which carries the pre-printed prescription of the examinee, it is next alleged that for matric examination of the year 2023, the bar coding of science (code 112) was done at Zila School, Muzaffarpur on 16-02-2023, thereafter bar code sticker No. 5111224391 and 5111224392 were handed over to the petitioners, similarly the answer sheet of the candidate in question was also handed over to two different secrecy persons namely Shyam and Rajkumar for bar coding, on inquiry, it transpired that petitioners after taking Shyam and Rajkumar in confidence got pasted wrong bar code on the flying slip of the answer sheet of the beneficiary, the said illegality came to fore during evaluation of answer sheets of three subjects belonging to one candidate namely, Sapna Kumari. Further, on 16-2-2023, the examination of social science was held in the first sitting and the bar coding of the answer sheet was done on 17-2-2023, the bar code pasted on answer sheet of Sapna was 5111114002 whereas bar code on flying slip was 5111114001, as per answer sheet Sapna scored 23 marks but as per flying slip her score was 38 marks. Similarly, on 15-2-2023, examination of science subject was held in the first sitting and bar coding of the answer sheet was done on 16-2-2023, further the bar code on answer



sheet and flying slip was different as detailed in the FIR, likewise the same illegality was found in the answer sheet and flying slip of English examination. It is thus alleged that the said illegality was committed intentionally by the accused persons including the petitioners to favour the beneficiary, Sapna.

5. Learned counsel for the petitioner submits that petitioners have been falsely implicated in the instant case based on suspicion, it is next submitted that no doubt the petitioners were appointed by the Department of Education as Secrecy person but then they were not given any training as such the said mistake was committed. It is also submitted that the mistake committed was not intentional.

6. The learned APP, Shri Rabindra Kumar, opposes the anticipatory bail application and submits that this perhaps explains how students without merit are getting good marks in the examination. It is also submitted that it absolutely does not stand to reason that when the petitioners were appointed as secrecy persons, they were not made aware of their duties. It is also submitted that the illegality was committed only with a view to benefit the beneficiary for monetary considerations.

7. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of



anticipatory bail to the petitioners.

8. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

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