

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41174 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- RAJNAGAR District- Madhubani

Rakesh Kumar Yadav Son of Ramswarup Yadav R/O Vill.- Kundal, P.S-
Harlakhi, Dist..- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Mr. Sanjay Kumar Tiwary, learned APP for the

State.

2. The petitioner is apprehending his arrest connection with Rajnagar P.S. Case No. 28 of 2023 corresponding to G.R. No. 183 of 2023, F.I.R. dated 08.02.2023 registered for the offences punishable under Sections 419, 420, 188/34 of the Indian Penal Code and Section 10 of the Bihar Conduct of Examination Act, 1981.

3. Prosecution case, in brief, is that on 08.02.2023 the informant who is Center Superintendent of +2 Manmohan High School, Rampatti received information that a fake examinee was sitting in place of another examinee i.e. Rakesh Kumar Yadav who is sitting in Room No. 07 and on this information, he along



with Static Magistrate reached in the room and started verification and on verification it was found that photographs were intact but signature was not matching. It is further alleged that the petitioner was arrested and handed over to the Static Magistrate but the accused freed himself and ran away.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioner was sitting in place of another examinee namely Rakesh Kumar Yadav. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact, the petitioner was not present at the examination hall and he was not arrested from the examination hall and merely on the basis of suspicion, the petitioner has been made accused in the present case.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence, let the



petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Madhubani in connection with Rajnagar P.S. Case No. 28 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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