

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65733 of 2024

Arising Out of PS. Case No.-360 Year-2024 Thana- LAHERIYASARAI District- Darbhanga

Ishwar Kumar @ Iswar Kumar, Son of Jagarnath Bhindwar @ Jagannath Mindwar @ Mindwar, R/V- Village- Sugapatti, P.S.- Phulparash, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 04-10-2024 Heard Mr. Arjun Prasad, learned Advocate for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Laheriasarai P.S. Case No. 360 of 2024 registered for the offences punishable under Sections 319(2), 318(2), 338, 336(3), 340(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 10 of the Bihar Conduct of Examination Act.

3. The allegation against the petitioner is of impersonation. It is alleged that the petitioner was caught red handed, while he was appearing in CTET-2024 examination in place of another person; as during Bio-metric on account of mismatch of thumb impression he became suspect.

4. Learned Advocate for the petitioner contended that



in fact on account of suspicion that the petitioner was found engage in unfair means in CTET-2024 examination, he has been apprehended and forcibly a confession was recorded by him. It is further contended that the other co-accused persons, who were also apprehended from the similar centre in course of appearing in CTET-2024 examination, have been allowed the privilege of bail by this Court in Cr. Misc. No. 61776 of 2024 and Cr. Misc. No. 62128 of 2024 vide order dated 04.09.2024. The case of the petitioner is based on parity. It is lastly contended that the petitioner has just completed B.A., B.Ed. and preparing for competitive examination; keeping him behind the bar would serve no further purpose.

5. On the other hand learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the petitioner has been preparing for competitive examination, coupled with the fair antecedent and his case is based on parity, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in



connection with Laheriasarai P.S. Case No. 360 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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