

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62128 of 2024

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

Nitu Kumari, D/O- Ram Bahadur Mandal, Resident of Village- Mungraha,
PS- Narauna, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. N.A. Shamsi, learned Advocate appearing
on behalf of the petitioner and Mr. Nagendra Prasad, learned
Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Lahariasarai P.S. Case No. 360 of 2024 registered for the offence punishable under Sections 319(2), 318(2), 338, 336(3), 340(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. The allegation against the petitioner is of impersonation. The petitioner is said to be appearing in Central Teacher Eligibility Test in place of another candidate. During biometric, on account of mismatch of thumb impresssion, she was apprehended.

4. Learned Advocate appearing on behalf of the



petitioner submits that the petitioner was a bonafide candidate however, only on account of mismatching of her thumb impression, on suspicion she was apprehended and remanded in judicial custody. It is next contended that without there being any cogent material the remand of the petitioner in judicial custody ruined her entire career though she is a good student and seriously pursuing her study. It is lastly contended that be that as it may, the petitioner is a lady, now she has been incarcerated since 08.07.2024 without any cogent material.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was apprehended only on account of mismatch of her thumb impression coupled with the period of custody and the fact that the petitioner is a student, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Lahariasarai 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) She will remain present on each and every date of trial till disposal of the case.

(iii) She 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, her 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 her 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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