

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60148 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Mabby District- Darbhanga

Mala Kumari, D/o- Dhaneshwar Ray, Resident of Village - Rayapura , P.s.
-Fatuaaha , District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Mr. Vinod Kumar, learned Advocate appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Mabbi P.S. Case No. 30 of 2024 registered for the offence 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. Based upon the written report the prosecution alleges that the petitioner was caught red handed while she was appearing in place of another candidate in Central Teacher Eligibility Test July 2024, organized by CBSE at Darbhanga Public School Centre. In course of inquiry it has been found that



the petitioner was appearing on behalf of her sister and there was mismatch of biometric thumb impression.

4. Learned Advocate appearing on behalf of the petitioner contended that in fact on the alleged date of occurrence she was present at the centre along with her younger sister, who was the candidate and only on suspicion she was apprehended. It is further contended that even if the allegation is taken to be true, it can hardly be a case of impersonation under Section 319(2) which is bailable under the Bhartiya Nyaya Sanhita, 2023. It is next contended that be that as it may, the petitioner is an unmarried lady and now she has been incarcerated since 08.07.2024 having absolutely fair antecedent.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a lady having fair antecedent, 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 in connection with Mabbi P.S. Case No. 30 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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