

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68619 of 2023

Arising Out of PS. Case No.-487 Year-2021 Thana- GANDHIMAIDAN District- Patna

BIRKESHWAR KUMAR S/O SHRI SHAMBHU NATH @ PRADEEP
YADAV RESIDENT OF VILLAGE- BHADAWAR, P.S.-CHANDI,
DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy, Adv.
For the Opposite Party/s : Mr.Atul Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 419 of the Indian Penal Code and 3/4/10 of Bihar Conduct of Examination Act, 1981.

3. Allegedly, petitioner is said to have involved another person, namely, Nandan Kumar to appear in S.S.C. M.T.S.-2020 Examination in his place in order to pass the examination illegally.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no



offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. His name has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused, namely, Nandan Kumar Sah, who was apprehended at the gate of examination centre. He has no concern with co-accused Nandan Kumar Sah. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as co-accused Nandan Kumar Sah was apprehended at the gate of the examination centre and therefore, he could not appear in the said examination, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with



Gandhi Maidan P.S. Case No. 487 of 2021, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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