

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74389 of 2024

Arising Out of PS. Case No.-313 Year-2024 Thana- SHEKHPURA District- Sheikhpura

1. Yogesh Kumar S/O Sakaldeep Yadav R/O Village - Baniyadda, P.S- Sanokhar , Dist- Bhagalpur
2. Amrit Kumar S/O Tarni Yadav R/O Vill - Gaughatta, P.S. - Buddhuchak, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-10-2024

Heard the parties.

2. The petitioners are in judicial custody in connection with Sheikhpura P.S. Case No. 313 of 2024 for the offences punishable under Sections 318(4), 338/336(3), 340(2)/61(2) of the Bharatiya Nyaya Sanhita and sections 66(c) and 66(D) of the IT Act as also section 10 of Bihar Examination Act, 1981, lodged on 11.08.2024 by the informant, Sahab Alam.

3. As per the prosecution story, the informant alleged that in course of examination information came that one Rajeev Kumar Jaiswal is using electronic device for his help, the same was acted upon and request was made to the police to take legal action.



4. Learned counsel for the petitioners submit that only because of being the roommates they got implicated. They were neither the examinee nor any electronic device recovered from them, further, they do not have criminal antecedent. The last submission is that Rajeev Kumar Jaiswal has been granted relief in Cr. Misc. No. 72087 of 2024 by a coordinate Bench.

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

6. Considering the submissions put forward by the parties as also the fact that the main allegation is against Rajeev Kumar Jaiswal, they being present at the wrong place, have been arrested and are in custody since 11.08.2024 (paragraph no.8 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 313 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his *bona fide*;



(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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