

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75865 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- DUMRAO District- Buxar

Raushan Chaurasiya Son of Sri Sanjay Chaurasiya R/O Vill.- Manihari, P.S.-
Bhabhua, Dist.- Kaimur Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Dumraon P.S. Case No.269 of 2024 for the alleged offence under section 112(2), 319(2), 338, 336(3), 340(2), 3(5) of the Bhartiya Nyaya Sanhita (BNS), 2023 lodged on 07.08.2024 by the informant .

3. As per the prosecution story, the informant, on information that in connection with Bihar Constable Examination, those engaged in manipulating the examination are staying in the hotel, the Hotel, Anand Vihar was raided and upon searching the room, Chhotelal Chaurasia @ Chhotu and Raushan Chaurasia (the petitioner herein) were found in the room. As the other examinees staying there started assembling, they were taken along with the belongings to the Police Station. upon search, number of documents/admit cards were



recovered/seized from Chhotelal Chaurasia @ Chhotu relating to the examination. So far as this petitioner is concerned, the allegation is that from his bag, a purse, Aadhar Card, a Debit Card in his name, mobile as such his belongings beside the motorcycle were recovered/seized. As both were in the same room, apprehended which followed the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the documents which may connect to the manipulation of the examination, points finger towards Chhotelal Chaurasia @ Chhotu. So far as this petitioner is concerned, he was there to appear in the examination and the documents/materials recovered from the bag suggests the same. He is in custody since 06.08.2024 (para-14 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer submitting that he was in the same room where Chhotelal Chaurasia @ Chhotu was apprehended.

6. Allegation is there, he is a young person who had to appear in the examination, missed the bus and is in custody since 06.08.2024 having no criminal antecedent and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions.



7. Let the petitioner 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, Buxar, in connection with Dumraon P.S. Case No.269 of 2024 subject to the following conditions:

- (i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date before the Trial Court and 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 petitioner shall in no 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;
- (iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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