

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77238 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- NOORSARAI District- Nalanda

Sudhir Kumar Son of Suresh Prasad@ Surendra Prasad @ Surendra Pd.
Yadav Resident of Village- Saho Bigha, PS -Ghoshi, District- Jahanbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Noorsarai P.S. Case No. 350 of 2024 instituted for the offences
under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) of the
B.N.S., 2023.

3. As per prosecution case, the petitioner is accused of
making a fake person sit in his place in the Constable
Recruitment Examination.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the basis of suspicion. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. The police forcefully took signature and forced to confess about the illegal act. Except confessional statement of co-accused Shashi Ranjan before the police, there is nothing against the petitioner. There is no direct allegation of cheating against the petitioner. The petitioner has no concern with the co-accused Shashi Ranjan. He further submits that the co-accused Shubahm Kumar @ Suman Kumar and Prabhakar Vardhan @ Rakesh Kumar have already been granted bail by the court below itself. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 08.08.2024 without any rhymes or reason. Charge-sheet has been submitted against the petitioner in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Noorsarai P.S. Case No. 350 of 2024 , subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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