

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81179 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

Bishavamitra Sharma @ Vishwamitra Sharma S/O Jay Kishore Sharma R/O
Village- Batsa, P.S- Dawath, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhotelal Mishra, Advocate
For the State : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Buxar (Muffasil) P.S. Case No. 244 of 2024 for the offences punishable under Sections 318(4) of the Bharatiya Nyaya Sanhita and section 10 of the Bihar Examination Act, 1981 as also 10(1) of the Public Examinations (Prevention of unfair means) Act, 2024 of the Indian Penal Code, lodged on 07.08.2024 by the informant, Nitu.

3. As per the prosecution story, the informant alleged that there was an examination being conducted by Staff Selection Board for Constable Recruitment Examination (2024) and it came to notice that he had carried the mobile in the classroom and sent the photo of the question paper to Ved Narayan through whatsapp. Once the examination was over, he



was taken into custody, which led to the F.I.R.

4. Learned counsel for the petitioner submits that after thorough scrutiny, examinee is allowed inside the examination hall and the carrying of the mobile and sending of the message is improbable, he is a young boy appearing for the competitive examination, already suffered by being in custody by being in custody since 08.08.2024 (paragraph no.11 of the petition) having no criminal antecedent and if granted relief, will be diligently appearing in Trial.

5. Learned APP for the State opposes the prayer submitting that from his mobile he sent whatsapp message.

6. Taking into account the aforesaid submissions, though, the allegation is there, he is a young boy, appearing in competitive examination, already remained in custody since 08.08.2024, keeping him in jail will not serve any purpose, in that background, this Court is inclined to extend him the privilege of bail.

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 Buxar (Muffasil) P.S. Case No. 244 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 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 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;

(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 bail bonds.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

