

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81027 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- KOTWALI District- Munger

Satish Kumar S/o- Akhilesh Pandit Village- Basti Kishunpur Telaur PS-
Goraul Kathara OP Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Kotwali P.S. Case No. 458 of 2023 dated 01.10.2023 instituted for the offence punishable under Section 420, 467, 468, 471 of the Indian Penal Code and Section 10 of Bihar Examination Control Act, 1981 and Section 66(D) of Information Technology Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, co-accused, namely, Amit Kumar appeared in the examination for the selection of Constable in Police in room no. 21 of Centre Code 4103 . During examination, the Invigilator of the Centre caught Amit Kumar along with electronic device.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is submitted that nothing has been recovered from the possession of the petitioner. The said electronic device has been recovered from co-accused, Amit Kumar. The petitioner has been made accused in this case only on the basis of confessional statement made by co-accused, namely, Manish Kumar. The apprehended person, namely, Amit Kumar, in his confessional statement, stated the name of co-accused, namely, Manish Kumar and Atul Anand, but he has not taken the name of the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kotwali P.S. Case No. 458 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by



the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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