

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85903 of 2023

Arising Out of PS. Case No.-812 Year-2023 Thana- JAHANABAD District- Jehanabad

Sameer Raj S/o Bhagirath Prasad Yadav R/o Vill-Bandachak,P.s -Narhat Dist
-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Arjun Prasad, Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard Mr. N.K. Agarwal, learned Senior counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Jehanabad Town (Jahanbad) P.S. Case No. 812 of 2023 for the offence under Sections 419, 420, 467, 468 and 120B of the I.P.C. read with Section 10 of the Bihar Examination Control Act, 1981, lodged on 25.08.2023 by the informant, Narendra Kumar.

3. As per the prosecution story, the informant, Centre Superintendent of Gautam Budh Inter High School, Jehanabad alleged that one Kundan Kumar was appearing on behalf of the petitioner in the examination for the Teacher's appointment,



2023. Accordingly, the FIR.

4. Learned Senior counsel for the petitioner submits that he had nothing to do with Kundan Kumar, in view of the fact that his admit card had gone missing and he failed to reach the examination center, where someone impersonating him was appearing and as he was holding the admit card of the petitioner, FIR against him. Further, the submission is that he is ready to cooperate in the investigation/trial.

5. Learned APP opposes the prayer stating that for his benefit, Kundan Kumar was appearing as such, his role cannot be ruled out.

6. Taking into account the fact that petitioner is a student, he do not have criminal antecedent, the FIR is lodged ultimately he will be facing the trial and he is ready to cooperate in the investigation/trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Jehanabad Town (Jahanbad) P.S. Case No. 812



of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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