

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84792 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- BHELDI District- Saran

Mirtunjay Kumar S/O Sri Ram Singh R/O Village- Manorpur, P.S- Amnour,
Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Jha, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Sanjay Jha, learned counsel for the
petitioner and Md. Ataur Rahman, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bheldi P.S. Case No. 130 of 2023, F.I.R. dated 14.05.2023 for the offences punishable under Sections 419, 420, 467, 468, 471, 224 and 34 of the Indian Penal Code and Section 3/4 of the Bihar Examination Conduct Act, 1981.

3. According to prosecution case, during search by the Magistrate and others, the petitioner and others were found using electronic device for gambling in examination.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is nothing recovered from the conscious possession of the



petitioner. He submits that the petitioner has deposited his mobile before the examination in the office of the examination centre in question and the informant has implicated only those persons who have submitted equipment before the concerned authority. He further submits that if something was recovered from the conscious possession of the petitioner then the informant had not arrested the petitioner at the time of the examination. He submits that from bare perusal of the seizure list it appears that the informant has not mentioned the detail of the electronic device which was recovered from the conscious possession of the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chhapra in connection with Bheldi P.S. Case No. 130 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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 shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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