

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85899 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- PATLIPUTRA District- Patna

Shivdhari Paswan S/O Hare Kishun Paswan @ Hare Krishan Paswan, R/O Village- Yadav Bhawan Chowk Shiv Shakti Nagar Brahmpuri, Ps. Brahmpuri, Dist. Meerut, State- Uttar Pradesh. At Present- Rampur Karari Juramanpur Barari, Ps. Raghopur, Dist. Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-03-2024 Heard Mr. Bishwa Bijay Kumar, the learned counsel for the petitioner and Mr. Bharat Lal, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Patliputra PS Case No. 138 of 2023, FIR dated 16.02.2023, registered for the offences punishable under Sections 419, 420, 467 and 468 of the Indian Penal Code.

3. According to prosecution case, during the verification process of SSC Stenographer Grade C & D Examination, 2022 one person was caught impersonating the petitioner, who later confessed his crime.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the basis of suspicion. He further submits that upon perusal of the FIR, it appears that on the basis of confessional statement of the co-accused person namely, Ravi Kant, the name of the petitioner has been transpired in the present case. He further submits that Ravi Kant informed the police that he had participated in the said examination in place of the petitioner and the present matter is of impersonation only and even the co-accused person has not produced any evidence which suggests that the petitioner is involved in the present occurrence. He lastly submits that except suspicion no other material has come during investigation which suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, his name transpired on the basis of confessional statement of co-accused person and except suspicion no other material has come during investigation which suggests his involvement in the present occurrence, let the petitioner, above-named, in the event of his



arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Chief Judicial Magistrate-X, Patna, where the case is pending in connection with **Patliputra PS Case No. 138 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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