

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9963 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- MADHEPURA District- Madhepura

Robinash Kumar Son of Mahanand Yadav Resident of Village- Raghunathpur,
P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 489 of 2023 for the offence under Sections 420, 379 and 411 of the I.P.C., Sections 66 and 66C of the I.T. Act and Section 10 of the Bihar Examination Act, lodged on 14.05.2023 by the informant, Angad Kumar.

3. As per the prosecution story, the informant has alleged that in course of examination for the recruitment of Excise Sepoy, the informant got information that the Jammer Operator was helping accused Md. Dilshad, using mobile for talking with the accused persons to help them in the examination. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has not been named in the FIR, rather his name has come in the



confessional statement of Md. Dilshad, he is a student, pursuing B.Ed course after completing his M.A. and further only to ruin his career this FIR was lodged. Further, he is ready to cooperate in the investigation/trial.

5. Learned APP opposes the prayer stating that his name has come in the confessional statement.

6. Taking into account the aforesaid fact, although the allegation is grave that he was one of the persons facilitating the accused persons in illegal means in the examination thus upgrading the level playing field of some of the students, the fact remains that he is twenty years old, is pursuing B.Ed course, putting him in jail will not be useful particularly when he is ready to cooperate in the investigation/trial and he do not have any criminal antecedent, 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 C.J.M, Madhepura, in connection with Madhepura P.S. Case No. 489 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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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