

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23626 of 2025

Arising Out of PS. Case No.-540 Year-2024 Thana- KADAMKUAN District- Patna

Mithu Raj S/O Nagendra Kumar R/O Vill.- Bansdih, P.S.- Tharthari, Dist.- Nalanda.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Nayan, Advocate

For the Opposite Party/s : Mr. Ajay Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 20-05-2025 Heard Mr. Rajiv Nayan, learned counsel for the

petitioner and Mr. Ajay Mishra, learned Additional Public Prosecutor

for the State.

2. The petitioner is apprehending his arrest in connection with Kadam Kuan P.S. Case No. 540 of 2024, F.I.R. dated 19.07.2024 for the offences punishable under Sections 319(2)/318(4) of the Bhartiya Nyay Sanhita, 2023 and 10 of the Bihar Conduct of Examination Act, 1981.

3. As per the First Information Report, the informant alleged that during the written examination of School Teacher (Objective) Competitive Re-examination being conducted by the BPSC, it was found that petitioner appeared in place of original examine.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that there is specific allegation against the petitioner and other co-accused person that they have entered the



examination hall deliberately to .participate in the examination in question. He further submits that although BPSC had issued the Admit Card in favour of the petitioner but the petitioner did not participated in the examination in question and the present FIR is instituted merely on the basis of suspicion and except the aforesaid there is no other cogent material which suggest the involvement of the petitioner in the present crime in question and similarly situated co-accused persons, namely, Rakesh Kumar in Cr. Misc. No. 63156 of 2024 vide order dated 24.09.2024 has been granted the privilege of regular bail by co-ordinate bench of this Court and Alok Kumar in Cr. Misc. No. 77827 of 2024 vide order dated 19.04.2025 has been granted the privilege of anticipatory bail by co-ordinate bench of this Court.

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

6. Considering the aforesaid facts and circumstances, petitioner have clean antecedent and he has been made accused merely on the basis of suspicion and similarly situated co-accused persons have been granted the privilege of anticipatory/regular bail , 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 First Class



Magistrate, Patna Sadar in connection with Kadam Kuan P.S. Case No. 540 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond 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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