

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24579 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- GARDANIBAG District- Patna

Mukesh Kumar Son of Krishna Ram @ Krishna Paswan Resident of Village-
Kamalpur P.S- Makhdumpur, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.A Shamsi, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-05-2025 Heard Mr. N.A. Shamsi, learned Counsel for the
petitioner and Mr. Jitendra Kumar Singh for the State.

2. The petitioner apprehends his arrest in connection with Gardanibagh P.S. Case No. 26 of 2025 for the offence registered under sections 318(4), 338, 336(3), 340(2) and 112(2) of BNS Act and Section 10/11 Bihar Public Examination (Prevention of Unfair Means) lodged on 10.01.2025 by the informant Md. Z.A. Nair.

3. As per the prosecution story, the informant alleged that pursuant to the advertisement of Central Selection Committee (Constable Recruitment Board for the selection of Constable), the petitioner was one of the applicant. During the physical test, it transpired that the thumb impression and photograph of Kundan Kumar did not match with the person appeared in the written



examination. He was apprehended and he confessed that this petitioner appeared on his behalf. This led to the FIR.

3. Learned Counsel for the petitioner submits that he himself was one of the applicant to the said exam and was sitting with the admit card bearing Roll No. 3610150495 and as such, how can he give side by side exam for Kundan Kumar, further, he do not have criminal antecedent and shall be diligently appearing in trial.

4. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation is that he appeared for Kundan Kumar.

5. The allegation is there, Kundan Kumar has been arrested, the petitioner's name has come on the confession of Kundan Kumar, he has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

6. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-XIII, Patna in connection with Gardanibagh P.S. Case No. 26 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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