

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62276 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- CIVIL LINE District- Gaya

Md. Jahid Khan @ Javed Khan Son of Raji Khan(father) and Sabra Khatoon
(Mother), Resident of Kagji Mohalla Biharsharif, P.S.-Bihar, Distt.- Nalanda
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2025 Heard Mr.Bijendra Kumar, learned counsel for the
petitioner and Ms.Madhuri Lata, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Civil Line P.S. Case No.489 of 2023, dated 04.08.2023 registered for the offences punishable under Sections 419,420 of IPC and Section 10(d) of Bihar Examination Act.

3. According to prosecution case, it is alleged that in the course of examination of (Bihar Board of Open Schooling Teaching and Examination) (BBOSE) 2nd Secondary Exam 2022 at Centre No.1002, it was disclosed that one Ashok Kumar was appearing in the exam in place of this petitioner at Room No.13.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely



been implicated in the present case. As per allegation in the FIR, co-accused person, namely, Ashok Kumar Singh has appeared in place of the petitioner in the examination of (Bihar Board of Open Schooling Teaching and Examination) (BBOSE) 2nd Secondary Exam 2022 at Centre No.1002. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not instructed to any person to appear in his behalf and except the confessional statement of co-accused person, namely, Ashok Kumar Singh, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and petitioner has clean antecedent, let the petitioner, above named, in the event of his 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 learned Additional Chief Judicial Magistrate-1st, Gaya in connection with Civil Line P.S. Case No.489 of 2023, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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