

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69009 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- MITHANPURA District- Muzaffarpur

Nitesh Kumar Son of Chandeshwar Mahto Resident of Village - Chainpur,
P.S. - Kudhani, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

5 09-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Mithanpura P.S. Case No. 195 of 2023 for the offence under Sections 419, 420, 467, 468, 471 and 120B of the I.P.C.

3. Prosecution case relates to commission of irregularities by way of affixing the Bar Code in answer sheets of Intermediate Examination, 2023 by secrecy persons for getting more marks. Allegedly, petitioner is one of secrecy persons who has committed such type of irregularities for providing illegal gain.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. The prosecution story is false and concocted. Admittedly the petitioner was engaged as secrecy person by the education department and being a student for earning some revenue, he joined this job for the time being, however the petitioner was never given any training for this job. The job of the petitioner was to stick bar code on the flying slip of the examinee on the answer sheets and all this happened due to manual mistake. However, the petitioner has no relationship with the concerned examinee Nikita Kumari who has passed this examination and other accused persons whose barcodes were stucked on the answer sheet of Nikita Kumari have also passed Intermediate Examination and have got almost similar marks in concerned subjects. Actually it all happened due to mistake and nothing was intentional.

5. Learned APP opposes the prayer for bail.

6. During the course of argument, learned counsel for the petitioner submits that petitioner is a student who is making preparation of competitive examinations and just for getting some money, he has joined the post of secrecy person for the time being. No proper training was given to the petitioner for his work and due to lack of training he committed such type of mistake. Learned APP concedes this fact that the petitioner was



deputed privately on the post of secrecy person. In para 3 of the counter affidavit which is filed by learned APP on behalf of the State, it is mentioned that accused petitioner was privately deputed on the post of secrecy private person. One of the co-accused persons has been granted bail from the Co-ordinate Bench of this Hon’ble Court. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

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 Judicial Magistrate 1st Class, (East) Muzaffarpur, in connection with Mithanpura P.S. Case No. 195 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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