

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78684 of 2025

Arising Out of PS. Case No.-81 Year-2017 Thana- GOGRI District- Khagaria

Sapna Kumari, D/o- Lalit Dev Singh, Resident of Mohalla-Sirjuaa Ward No-6, Sirjua, P.S.- Khagaria Dist- Khagaria, Bihar-851214

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikalp, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending her arrest in connection with Gogari P.S. Case No.81 of 2017 registered under Sections 420 of the Indian Penal Code, Section 10 of Bihar Conduct of Examinations Act, 1981 and Section 66 of the Information and Technology Act.

3. As per FIR, petitioner found with mobile bearing No.8051391777 while giving examination of Intermediate conducted by Bihar School Examination Board.

4. It is submitted by learned counsel appearing for petitioner that from factual aspects of the case, is nowhere suggesting that it is a case of cheating. It is submitted that



the mobile handset was seized and nothing incriminating was found in mobile suggesting that same was used for any misconduct and, therefore, the allegation as raised under I.T. Act is also not appears convincing. While concluding argument, it is submitted that the maximum allegation, which appears convincing against the petitioner is of misconduct by carrying mobile inside the examination room, which is non-bailable offence as per Section 10 of Bihar Conduct of Examinations Act, 1981 but, maximum sentence is of six months. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual and legal submissions and by taking note of fact, as factual aspect *prima facie* not convincing allegation on its face *qua* cheating and also offences under I.T. Act as alleged, where the allegation maximum *prima facie* suggest misconduct on the part of petitioner, accordingly, the petitioner, above-named, who is a lady of clean antecedent, in the event of her arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., Khagaria in connection with Gogari P.S. Case No.81 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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