IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59682 of 2026

CNR No. BRHC010841402026

Arising Out of PS. Case No.-522 Year-2019 Thana- RUPASPUR District- Patna

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Madan Kumar S/O Digambar Yadav R/v Bhatpura, ward no 5, PS- Simri Bakhtiarpur(Paharpur OP), Distt- Saharsa

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shiva Shankar Sharma, Adv.
For the Opposite Party/s : Mr.Ajay Mishra, Adv.
For State : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioner as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 419, 420, 467, 468/34 I.P.C. and Section 10 of the Bihar Conduct of Examination Act.

3. As per the allegation made in the F.I.R., one Manoj Kumar was caught by the invigilator while impersonating and taking the examination on behalf of the petitioner, bearing Roll No.116014708. It is thus alleged that Manoj Kumar was sent by the petitioner to appear in the said examination.

4. Learned counsel for the petitioner submits that the

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provisions of Section 10 of the Bihar Conduct of Examination Act will not be applicable in the present case.

5. Learned counsel for the petitioner submits that the charge-sheet has already been submitted against him and charges have been framed against him and, thereafter, summons have been issued to the prosecution witnesses for their appearance. Learned counsel for the petitioner further submits that the co-accused person, namely Manoj Kumar, who was apprehended while appearing in the examination on behalf of the petitioner, has already been granted bail by a coordinate Bench of this Court vide Annexure- P/2 in Criminal Miscellaneous No. 17302 of 2020 vide order dated 08.06.2020. Learned counsel for the petitioner further submits that the petitioner has a clean antecedent and undertakes to cooperate in the trial and not to repeat the offence.

6. The petitioner has been in judicial custody since 13.06.2026.

7. Learned A.P.P. on behalf of the State has opposed the application.

8. Taking into consideration that charges have already been framed against the petitioner and, as such, the undertaking given by him that he would cooperate in the trial and also taking

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into consideration that the co-accused, Manoj Kumar, who was apprehended, has already been granted bail by a coordinate Bench of this Court, as well as the entire facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Danapur, Patna or concerned Court, in connection with Rupaspur P.S. Case No. 522 of 2019, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats the offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall

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verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

(Raj Kumar, J)

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