

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81752 of 2025

Arising Out of PS. Case No.-312 Year-2025 Thana- BANKA District- Banka

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Gautam Kumar, Son of Dharmendra Chaudhary, R/o Village - Dakhber, P.S. -
Parhaiya, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Banka P.S. Case No. 312 of 2025 registered for the offence(s) under Section(s) 319(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. The allegation against the petitioner is that he had made one Prakrist Kumar @ Prahasht Kumar @ Umesh Kumar in his place to appear in an examination for appointment as Constable in the police service.

4. The learned counsel for the petitioner submits that the petitioner is a student of B.A. (Hons.) and has a bright future



ahead. It has been submitted that there is nothing on the record to suggest that it was the petitioner who had asked the said co-accused to sit for his examination. It has next been submitted that the petitioner belongs to a very poor family and his entire career will be ruined if he is apprehended in the present case. It has lastly been submitted that the petitioner has clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Banka P.S. Case No. 312 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik



Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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