

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88328 of 2025

Arising Out of PS. Case No.-33 Year-2018 Thana- BARBIGHA District- Sheikhpura

Gurmit Kumar, S/O Vidya Sagar Chaudhary, R/O Village - Gadih Vishunpur,
P.S- Lakhisarai, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

2 05-01-2026 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barbigha P.S. Case No. 33 of 2018 registered for the offence punishable under Sections 420, 120(B) of Indian Penal Code and Section 10 of Bihar Conduct of Examination Act.

3. As per the prosecution case, on 10.08.2025 the informant was posted as S.I. at Intermediate Examination, 2018 at Barbigha High School. During first shift of the examination, he was informed that a person standing near the toilet area was dictating the answers to questions of the examination through whatsapp. When they saw the informant coming, they tried to escape and after chase, one person was caught and produced before the Magistrate. On inquiry, it was found that through the alleged whatsapp number the answer of the 1st sitting of the



examination of 10+2 exam was being exchanged which was conducted by Bihar School Examination Board, Patna, 2018. The police also seized three mobile phones and a motorcycle without registration number.

4. Learned counsel for the petitioner has submitted that the petitioner is quite innocent and has committed no offence and has been falsely implicated in this case due to ulterior motive. The allegation brought against the petitioner is false and baseless. During the course of investigation, the petitioner complied the directions as laid down under Section 41(1) of the Cr. P.C. From perusal of the FIR, it appears that the offence under Section 10 of the Bihar Conduct of Examination Act, 1982 is not attracted as against the petitioner. It is further submitted that other offence under Section 420 of the IPC is also not applicable in this case.

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 circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory 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 Judicial Magistrate, 1st Class, Sheikhpura, in connection with Barbigha P.S. Case No. 33 of 2018, subject to conditions as laid down under section 482(2) of the B.N.S.S.

(S. B. Pd. Singh, J)

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