

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61150 of 2017

Arising Out of PS.Case No. -412 Year- 2014 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Naresh Kumar S/o Bahadur Mahto, resident of village- Soharanpur, P.S.-
Islampur, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the State : Smt. Asha Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Bihar P.S.Case No.412 of 2014 registered under Sections 419 and
420 of the Indian Penal Code (for short 'the I.P.C.') and Section
10 of the Bihar Examination Act.

It is submitted by the learned counsel for the petitioner
that the co-accused Mahesh Kumar, who was appearing in the
examination in the name of the petitioner has already been granted
bail by the court below. He submitted that the offence punishable
under Section 419 of the I.P.C. is bailable in nature and in view of
the allegation made in the FIR the ingredients of the offence



punishable under Section 420 of the I.P.C. is not attracted.

Learned counsel for the State submitted that the petitioner, being a direct beneficiary of impersonation by co-accused Mahesh Kumar, cannot escape from being prosecuted for the offence punishable under Section 420 of the I.P.C.

Be that as it may, regard being had to the allegation made in the FIR, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his application for grant of pre-arrest bail is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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