

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Criminal Miscellaneous Bail No. 2345 / 2018
Utsav Anand S/o Upendra Tiwari, Aged About 25 Years, R/o
Sundarpur Varja, P.S. Behiya, Distt. Aara Bhojpur, Bihar. (at
Present Confined in Distt. Jail, Alwar)

----Petitioner

Versus

State of Rajasthan Through P.P.

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail No. 2568 / 2018
Sunil Kumar S/o Ramsahai B/c Bheel, Aged About 35 Years, R/o
Tehsil Road, Mahua, Police Station Mahwa, Distt. Dausa (at
Present Accused is Confined in Central Jail Alwar)

----Petitioner

Versus

State of Rajasthan Through P.P.

----Respondent

For Petitioner(s) : Mr. Anil Kumar Jain and Mr. Rizwan Ahmed
For Respondent(s) : Mr. Sudesh Saini PP.

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Judgment / Order

28/02/2018

1. Petitioners have filed these bail applications under Section 439 Cr.P.C.
2. F.I.R. No 70/2018 was registered at Police Station Malakheda, District Alwar for offence under Sections 419, 420, 120B I.P.C. and 3/6 Rajasthan Public Examination (Prevention of Unfairmeans) Act.
3. It is contended by counsel for the petitioners that the matter pertains to giving taking examination in lieu of some other person. Petitioners are in custody and are not required for further

investigation. Matter is triable by First Class Magistrate.

4. Learned Public Prosecutor has opposed these bail applications.

5. Considering the contentions put forth by counsel for the petitioners, I deem it proper to allow these bail applications.

6. These bail applications are, accordingly, allowed and it is directed that accused-petitioners shall be released on bail provided they furnish a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand) together with two sureties in the sum of Rs.25,000/-(Rupees twenty five thousand) each to the satisfaction of the trial Court with the stipulation that they shall appear before that Court and any Court to which the matter be transferred, on all subsequent dates of hearing and as and when called upon to do so.

7. However, it is made clear that if the petitioners repeat the offence, State would be free to move application for cancellation of bail before the concerned Court.

8. A copy of this order be sent to concerned SHO for recording this condition in the Village Crime Record Book so that in that event of petitioner's repeating offence, SHO can move the Court for cancellation of bail.

9. A copy of this order be placed in connected file.

(PANKAJ BHANDARI)J.

Seema/77-78