

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7442 of 2020**

Arising Out of PS. Case No.-523 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

MITHILESH KUMAR @ MITHLESH KUMAR Son of Sri Baleshwar  
Mahto, Resident of Mohalla-Meharpar, Police Station-Laheri, District-  
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 7904 of 2020**

Arising Out of PS. Case No.-523 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

MANTU KUMAR Son of Sri Awadhesh Prasad, Resident of Village -  
Bishunpur, P.S.- Giriyak, District - Nalanda, At Present residing at In the  
house of Mithilesh Kumar, Mohalla - Meharpar, P.S.- Laheri, District -  
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 7442 of 2020)

For the Petitioner/s : Mr.Ganesh Sharma

For the Opposite Party/s : Mr.Parmeshwar Mehta

(In CRIMINAL MISCELLANEOUS No. 7904 of 2020)

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

3      29-05-2020                      Both criminal miscellaneous petitions are heard  
together as the petitioners are accused in Laheri P.S. Case  
No.523 of 2019, through Video Conferencing.

Petitioners seek bail in Laheri P.S. Case No.523 of  
2019 registered under Sections 467, 468, 471, 420, 120B and



34 of the IPC.

The informant disclosed that he got secret information that some persons had assembled at some place, who are indulged in impersonating real candidates in the examination to be conducted by the Bihar Staff Selection Commission on payment of hefty amount in order to get the real candidates selected in the competitive examination. On such information, the informant went to the place of occurrence and apprehended two persons, namely, Mithilesh Kumar and Mantu Kumar (petitioners). The other accused persons managed to flee away. From their possession, many mobile numbers, address of different candidates and huge money were recovered.

Learned counsel for the petitioners submits that there is absolutely no evidence that the petitioners set up any scholar in place of real candidate to appear at the examination. Nobody was arrested while appearing at the examination after impersonating the real candidate. On mere suspicion, the petitioners have been arrested in the case and they are in custody since 23.12.2019. The petitioners have already remained in jail for more than five months.

Learned A.P.P., however, opposed the prayer for bail.

From perusal of the F.I.R. and the case-diary, it



appears that of course the petitioners were apprehended by the police after having got secret inputs about the involvement of the petitioners in setting up candidates/scholars to appear at the examination in place of real candidates in order to get the real candidates selected in the competitive examination after realizing hefty amount but no scholar or the candidate was found at the place from where the petitioners were apprehended and there is no material to show that the petitioners set up such and such persons to appear at the examination in place of such and such candidates.

Having considered the facts aforesaid and the nature of allegations made against the petitioners and the fact that the petitioners have got no criminal antecedent and the petitioners are in jail since 23.12.2019, both the petitioners named above are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(rupees ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Laheri P.S. Case No.523 of 2019.

**(Prabhat Kumar Jha, J)**

Harish/-

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