

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE IV, BIHARSHARIF cum
EXCLUSIVE SPECIAL JUDGE (POCSO)**

A.B.P. No.- 1479/26
(Arising out of Noorsarai P.S Case No.- 77 of 16)

In the matter of :-

- BALRAM KUMAR @ BALRAM KAUSHIK**
S/o-Kamal Kishor Nayan @ Nand Kishor Nayan
R/o- Mohalla-Jodhan Bigha @ Yodhan Bigha
PS-Belchi
Dist-Patna

.....PETITIONER

V/s

THE STATE OF BIHAR

..... OPPOSITE PARTY

Ld. Counsel for the Petitioner :- Sri Mithlesh Kumar, Pandey, Sri Jay Prakash Prasad
Ld. Counsel for the State of Bihar : Sri Jagat Narayan Sinha, Ld. APP for State.
Date of Order :- 13.08.2026

Present :- Sri Prakash Kumar Sinha
ASJ-IV cum Exclusive Special Judge (POCSO),
Biharsharif

ORDER

13.08.26

The Present Anticipatory bail petition filed on dated 18.07.26 on behalf of the petitioner accused namely **Balram Kumar @ Balram Kaushik** in connection with A.B.P. No.- 1479/26 arising out of Noorsarai P.S Case No.- 77/16 registered for the offence **U/s-419,420 of IPC and Sec-10 of Bihar Conduct of the Examination Act** is pressed today for hearing. Ld. Counsel for Petitioner accused and Ld. APP for State are present in the court.

The case of the Prosecution in short as per FIR is that on 12.03.2016, examination of Bihar School Examination Board was going on at KST College Heganpura and during inspection it was found that one Sone Bind was taking examination in place of another student namely Amit Kumar and Balram Kumar was taking examination in place of Dinesh Kumar. Thereafter, seizure list was prepared and both persons namely Sone Bind and Balram Kumar were kept under the supervision of security guard and hence, the case.

Learned counsel for the Petitioner accused submitted that he has not committed any offence and that no anticipatory or regular bail was filed before this court or before any superior court. Petitioner accused has no any criminal antecedent as has been mentioned in para 3 of the bail petition. Petitioner is quite innocent and has falsely been implicated in the present case. Further, he submitted that on the alleged date of offence highway situated in front of the said college came was crowded immensely on account of the protest convened by the local

farmers and the farmers and the police personnel were trying to vacate the road and in that course when the petitioner was trying to go to Noorsarai Market he was caught by the police and then he was implicated in the present case. At last, it has been prayed to release the Petitioner accused on bail.

Learned APP for State opposed the prayer of bail.

Heard both sides and perused the case record. Perusal of Case-Record shows that present case has been registered against Petitioner accused **U/s-419,420 of IPC and Sec-10 of Bihar Conduct of the Examination Act** along with other co-accused. Chargesheet has also been submitted U/s-419,420 of IPC and Sec-10 of Bihar Conduct of the Examination Act and cognizance was also taken in the said section against the petitioner accused. There is allegation against the Petitioner accused that he appeared in the examination of Bihar School Examination Board in place of another candidate. Perusal of para no-37 of case-diary shows that benefit of Sec-41(A) Cr. PC was given to the petitioner accused during investigation by IO of this case. Perusal of Para No-3 of bail petition shows that there is no any criminal antecedent against the petitioner accused. Ld. Counsel for petitioner accused also submitted a copy of judgment of Hon'ble Patna High Court in **"Mohammad Raja Vs The State of Bihar, dated-16.12.2025 in Criminal Miscellaneous No-65700 of 2025"** to support the maintainability of Anticipatory Bail Application.

Considering the aforesaid facts and circumstances of the case, let the above named Petitioner, in the event of arrest or surrender before the Court concerned within 30 days from the date of receipt of a copy of this order, be enlarged on 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 Ld. Court concerned/police subject to the condition under the provision of Section 482(2)B.N.S.S and further condition that One of the bailor shall be close relative of Petitioners accused.

**Dictated
Sd/-
Addl. Sessions Judge-IV
cum Special Judge(POCSO),
Biharsharif**

Date of Judgment/Order	13.08.2026
Date of Reserving Judgment/Order	-
Date of Uploading	20.08.2026
Uploaded by	Kanchan