

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45709 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- KASHICHAK District- Nawada

NIRAJ KUMAR @ NIRAJ MALAKAR S/o Late Dasrath Malakar Resident
of village- Bahari Bigha, P.S. - Kashichak (Sahpur), District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Kashichak P.S. Case No. 73 of 2021 for the offence punishable
under Sections 419 and 420 of the Indian Penal Code and
Section 66(c) of the I.T. Act.

Allegation against the petitioner is that he was
involved in cheating innocent persons and he was apprehended
on the spot. On the basis of his confessional statement, other
persons have also been made accused in the present case.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that in course of investigation, not even a single witness has come and made statement that the present petitioner had cheated them. Petitioner is in custody since 08.05.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made against the petitioner and in absence of any material to implicate the petitioner for the allegation that he had cheated the innocent person in the area from where he was apprehended, prima facie the petitioner has made out a case to be released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Nawada in connection with Kashichak P.S. Case No. 73 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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