

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35427 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

MANOJ KUMAR @ MANOJ KUMAR MANDAL SON OF LATE
MAHENDRA MANDAL Resident of Village- Mohadinagar, Mirjanhat Posan
Sah Lane, P.S.- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Prasad

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-09-2022 Learned counsel for the petitioner is permitted to make
necessary correction in para 12 of the bail petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mojahidpur
(Babarganj) P.S. Case No. 108/2022 registered for the offences
punishable under Sections 420, 467, 468, 471/34 of the Indian
Penal Code and Section 63 of the Copy Right Act, 1957.

As per prosecution case, informant got information that
owner of Harsh Old Book, namely Manoj Kumar (petitioner) and
owner of Yes Old Book namely Akash Kumar used to sale the
duplicate books. On search there is alleged recovery of 685
duplicate books of Bharti Bhawan publication, 53 books of S.



Chand and 48 books of Macgro Hill Education publication from the house of present petitioner. It is further alleged that petitioner and others are involved in printing and selling duplicate books.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 07.04.2022 and bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. FIR has been lodged after 34 hours of the date of occurrence without any explanation of delay. No printing machines, photo copy machines, stickers and semi printed books are recovered from the house. Learned counsel for the petitioner further submits that from perusal of the FIR, no case is made out under Sections 420, 467 and 468 of the I.P.C. and at best it is a case of Section 63 of the Copy Right Act which is non-bailable in nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and



also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 108/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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